रजिस्ट्री सं. डी. (डी. एन.)—73

REGISTERED NO. D. (D. N.)—73

भारत का राजपत्र
The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 30] नई दिल्ली, शनिवार, अगस्त 3, 1985/श्रावण 12, 1907

No. 30] NEW DELHI, SATURDAY, AUGUST 3, 1985/SRAVANA 12, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मन्त्रालय को छोड़कर) भारत सरकार के मन्त्रालयों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 17 जुलाई, 1985

सूचना

का. आ. 3640.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एच. डी. येरा एडवोकेट, 19/16 राजेन्द्र नगर, नई दिल्ली 60, ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे नई दिल्ली व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए ।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5-(11)/85-न्या.]

MINISTRY OF LAW, JUSTICE & CO. AFFAIRS

(DEPARTMENT OF LEGAL AFFAIRS)

New Delhi, the 17th July, 1985

NOTICE

S.O. 3640.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri H. D. Yera, advocate, 19/16, Rajinder Nagar, New Delhi-110060 for appointment as a Notary to practise in New Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F.-5-(11)/85-Judl.]

नई दिल्ली, 19 जुलाई, 1985

सूचना

का. आ. 3641.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बनवारी लाल गुप्ता, एडवोकेट, विजयमंदरी रोड, अलवर, (राजस्थान) ने उक्त प्राधि-

कारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात लिए दिया जा रहा है कि उसे अलवर व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं० एफ. 5 (21)/85-न्या.]

एस. गुप्तु, सक्षम प्राधिकारी

New Delhi, the 19th July, 1985

NOTICE

S.O. 3641.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Banwari Lal Gupta, advocate, Vijaymandri Road, Alwar, (Rajasthan) for appointment as a Notary to practise in Alwar.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(21)/85-Judl.]

S. GOOPTU, Competent Authority

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 28 मार्च, 1985

(आयकर)

का. आ. 3642:—इस कार्यालय की दिनांक 27-8-1983 की अधिसूचना सं. 5311 (फा. सं. 203/101/82 आ. क. नि. II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्द्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्र में "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

1. यह कि एफ. आई. ई. रिसर्च इंस्टिट्यूट वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

2. यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल, तक ऐसे प्रारूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।

3. यह कि उक्त संगम अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक एक प्रति संबंधित आयकर आयुक्त को भेजेगा।

संस्था

एफ. आई. ई. रिसर्च इंस्टिट्यूट इचलकरंजी

यह अधिसूचना 28-5-1984 से 30-6-1987 तक की अवधि के लिए प्रभावी है।

[सं 6176/फा. सं. 203/214/84-आ.क.नि.-II]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 28th March, 1985

INCOME TAX

S.O. 3642.—In continuation of this Office Notification No 5311 (F. No. 203|101|82-ITA.II) dated 27-8-1983, it is here by notified for general information that the institution mentioned below has been approved by Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied science subject to the followin conditions :—

(i) That the FIE Research Institute will maintain a separate account of the sums received by it for scientific research

(ii) That the said association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.

(iii) That the said association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

FIE Research Institute, I chalkaranji.

This notification is effective for a period from 28-5-1984 to 30-6-1987.

[No. 6179|F. No. 203|214|84-ITA.II]

नई दिल्ली, 12 जून, 1985

का. आ 3643:—आयकर सर्व-साधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि आयकर अधिनियम, 1961 की धारा 35 (1) (ii) के अन्तर्गत वित्त मंत्रालय (राजस्व विभाग) की दिनांक 25/1/1979 की अधिसूचना संख्या 2684 (फा. सं. 203/15/78 आयकर नि. II) द्वारा केन्द्रीय भवन अनुसंधान संस्थान रुड़की (उत्तर प्रदेश) को प्रदान की गई अविछिन्न स्वीकृति एतद्द्वारा 11/4/1985 से वापस ली जाती है

[सं. 6261/फा. सं. 203/89/85-आयकर नि०.II]

New Delhi, the 12th June, 1985

INCOME-TAX

S.O. 3643.—It is hereby notified for general information that the perpetual approval granted to Central Building Research Institute, Roorkee (U.P.) under section 35(1)(ii) of the Income-tax Act, 1961 vide Ministry of Finance (Department of Revenue) Notification No. 2684 (F. No. 203|151|78-ITA.II) dated 25-1-1979 is hereby withdrawn with effect from 11-4-1985.

[No. 6261|F. No. 203|89|85-ITA.II]

का. आ. 3644 :—सर्वसाधारण की जानकारी कि के लिए एतद्द्वारा यह अधिसूचित किया जाता है भारतीय आयकर अधिनियम, 1922 की धारा 10 (2) (xiii) के अन्तर्गत वित्त मंत्रालय की दिनांक 23/11/1946 की अधिसूचना संख्या 34 द्वारा भौमिक (एम. आर. बी. बी.) राजन हाउस, कलकत्ता को प्रदान की गई स्वीकृति एतद्द्वारा 26-2-1985 से वापस ली जाती है।

[सं. 6262/फा० सं. 203/84/85 आयकर नि.-II]

INCOME-TAX

S.O. 3644.—It is hereby notified for general information that the approval granted to Bhowmik (M.R.B.B.) Radan House, Calcutta under Section 10(2) (xiii) of the Indian Income-tax Act, 1972, vide Ministry of Finance Notification No. 34 dated 23-11-1946 is hereby withdrawn with effect from 25-2-1985.

[No. 6262|F. No. 203|64|85-ITA.II]

का. आ. 3645.—सर्व साधारण की जानकारी के लिए एतद्द्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 (पैंतीस एक/दो) की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए "संगम" प्रवर्ग के अधीन निम्न लिखित शर्तों पर अनुमोदित किया है, अर्थात् —

(i) यह कि विमला गुप्ता मैमोरियल मेडिकल रिसर्च इंस्टिट्यूट वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त राशियों का पृथक लेखा रहेगा ।

(ii) यह कि उक्त संगम अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए ।

(iii) यह कि उक्त संगम अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन पत्र की एक एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक एक प्रति संबंधित आयकर आयुक्त को भेजेगी ।

(iv) यह कि उक्त संगम अनुमोदन के समाप्त होने से तीन माह पहले केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली को और अवधि बढ़ाने के लिए आवेदन पत्र भेजेगा । आवेदन पत्र प्रस्तुत करने में कोई विलम्ब होने से आवेदन पत्र रद्द हो जाएगा ।

संस्था

मैसर्स विमला गुप्ता मैमोरियल मेडिकल रिसर्च इंस्टिट्यूट, 112, ग्रेटर कैलाश II नई दिल्ली 110048.

यह अधिसूचना 13/5/85 से 31/3/87 तक की अवधि के लिए प्रभावी है ।

[सं 6258/फा सं. 203/61/85 आ. क. नि. II]

INCOME-TAX

S.O. 3645.—It is hereby notified for general information that the institution mentioned below has been approved by Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 (Thirty five|one|two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association", subject to the following conditions :—

(i) That the Vimla Gupta Memorial Research Institute will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may laid down and intimated to them for this purpose by 30th April each year.

(iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned, Commissioner of Income-tax.

(iv) That the said Association will apply to C.B.D.T., Ministry of Finance, Department of Revenue, New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to the rejected.

INSTITUTION

M|S. VIMLA GUPTA MEMORIAL MEDICAL RESEARCH INSTITUTE, S-112, GREATER KAILASH-II, NEW DELHI-110048.

This notification is effective for a period from 13-5-1985 to 31-3-1987.

[No. 6258|F. No. 203|61|85-ITA.II]

नई दिल्ली, 17 जुलाई, 1985

का० आ० 3646:—इस कार्यालय की दिनांक 30-11-1979 की अधिसूचना सं. 3080 (फा. सं. 203/99/79 आ. क. नि. II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्द्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनों के लिए अन्य प्राकृतिक तथा अनुप्रयुक्त विज्ञानों के क्षेत्र में "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

1. यह कि भारतीय भाषा परिषद, कलकत्ता, वैज्ञानिक अनुसंधान के लिए उसके द्वारा प्राप्त राशियों का पृथक लेखा रहेगा ।

2. यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 जून, तक ऐसे प्ररूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए ।

3. यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन पत्र की एक एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक की एक एक प्रति संबंधित आयकर आयुक्त को भेजेगा ।

4. यह कि उक्त संस्थान अनुमोदन की समाप्ति के 3 महीने पहले समयावधि बढ़ाने के लिए केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय राजस्व विभाग, नई दिल्ली को आवेदन करेगा । आवेदन की तारीख के बाद प्राप्त आवेदन पत्रों को रद्द किया जा सकेगा ।

संस्था

भारतीय भाषा परिषद, 36-ए, शेक्सपियर सारणी, कलकत्ता 700017.

यह अधिसूचना 1-4-1982 से 31-3-88 तक की अवधि के लिए प्रभावी है ।

गिरीश दवे, अवर सचिव

[सं 6269/फा स. 203/184/82-आ. क. नि.-II]

New Delhi, the 17th June, 1985

Income-tax

S.O. 3646.—In continuation of this Office Notification No. 3080 (F. No. 203|99|79-ITA.II) dated 30-11-1979, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :—

(i) That the Bharatiya Bhasha Parishad, Calcutta will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Auhority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

(iv) That the said Institute will apply to C.B.D.T., Ministry of Finance, Department of Revenue, New Delhi 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

BHARTIYA BHASHA PARISHAD, 36-A, Shakespeare Sarani, Calcutta-700017.

This notification is effective for a period from 1-4-1982 to 31-3-1988.

[No. 6269/F. No. 203/184/82/-ITA II]
GIRISH DAVE, Under Secy.

नई दिल्ली, 15 जुलाई, 1985

प्रधान कार्यालय संस्थापन

का. आ. 3647 :—केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 का 54) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा भारतीय राजस्व सेवा (आयकर) के अधिकारी श्री एस. के. राय को, जो पिछले दिनों आपूर्ति विभाग, नई दिल्ली में संयुक्त सचिव के रूप मे तैनात थे, 17 जून, 1985 की पूर्वाह्न से अगला आदेश होने तक केन्द्रीय प्रत्यक्ष कर बोर्ड का सदस्य नियुक्त करती है।

[फा. सं. ए—19011/5/85-प्रशा. 1]
जे. एम. ट्रेहन अवर सचिव,

New Delhi, the 15th July, 1985

HEADQUARTERS ESTABLISHMENT

S.O. 3647.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Central Boards of Revenue Act, 1963 (No. 50 of 1963), the Central Government hereby appoints Shri S. K. Roy, an officer of the Indian Revenue Service (Income-tax) and formerly posted as Joint Secretary, Department of Supply, New Delhi, as Member of the Central Board of Direct Taxes with effect from the forenoon of the 17th June, 1985 and until further orders.

[F. No. A-19011/5/85-Ad. I]
J. M. TREHAN, Under Secy.

नई दिल्ली 25 जुलाई, 1985

आदेश

का. आ. 3648 :—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/143/84-सी. शु.-8, तारीख 17-8-1984 यह निदेश देते हुए जारी किया था कि श्री आर. एस. हेमराज, 102 कालवै चेट्टी स्ट्रीट, मद्रास-600002 को विदेशी मुद्रा की अभिवृद्धि को हानि पहुंचाने वाला कार्य करने से रोकने की दृष्टि मे केन्द्रीय कारागार, मद्रास में निरुद्ध किया जाए और अभिरक्षा में रखा जाए।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है, या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, मद्रास के समक्ष हाजिर हो।

[फा. सं. 673/143/84-सी. शु.-VIII]

New Delhi, the 25th July, 1985

ORDER

S.O. 3648.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issue order F. No. 673/143/84-Cus. VIII, dated 17th March, 1984 under the said sub-section directing that Shri R. S. Hemraj, 102, Kalvai Chetty Street, Madras-600002 be detained and kept in custody in the Central Prison, Madras with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed; and

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Madras within 7 days of the publication of this order in the official Gazette.

[F. No. 673/143/84-Cus. VIII]

आदेश

का. आ. 3649 :—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/144/84-सी.शु.-8, तारीख 17-8-1984 यह निदेश देते हुए जारी किया था कि श्री ए. विजय कुमार, 26-स्वैमी पंडारम स्ट्रीट, चिन्ता डिपेट, मद्रास-600002 को, विदेशी मुद्रा की अभिवृद्धि को हानि पहुंचाने वाले किसी भी कार्य करने से रोकने की दृष्टि से केन्द्रीय कारागार, मद्रास मे निरुद्ध किया जाए और अभिरक्षा में रखा जाए।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है, जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, मद्रास के समक्ष हाजिर हो।

[फा. सं. 673/144/84-सी. शु.-VIII]
आर. के. तिवारी उप सचिव,

ORDER

S.O. 3649.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974)

issued order F. No. 673/144/84-Cus. VIII, dated 17th March, 1984 under the said sub-section directing that Shri A. Vijay Kumar, 26 Swamy Pandaram Street, Chintadripet, Madras-600002 be detailed and kept in custody in the Central Prison, Madras with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed; and

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Madras within 7 days of the publication of this order in the official Gazette.

[F. No. 673/144/84-Cus. VIII]
R. K. TEWARI, Dy. Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 12 जुलाई, 1985

का. आ. 3650:—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री बी. रत्नाकर को 30 जून, 1985 से आरम्भ होने वाली और 29 जून, 1988 को समाप्त होने वाली अवधि के लिए केनरा बैंक के प्रबंध निदेशक के रूप में पुनः नियुक्त करती है।

[सं० एफ० 9/39/85-बी.ओ.I(1)]
एस. एस. हसूरकर, निदेशक

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 12th July, 1985

S.O. 3650.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby re-appoints Shri B. Rattnakar as the Managing Director, of Canara Bank for a period commencing on June 30, 1985 and ending with June 29, 1988.

[No. F. 9/39/85-B.O. I(1)]
S. S. HASUKAR, Director

का. आ. 3651.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा भारत सरकार, वित्त मंत्रालय (आर्थिक कार्य विभाग) की दिनांक 31 मार्च, 1981 की अधिसूचना का. आ. संख्या 254 (ई.) में निम्नलिखित संशोधन करती है, अर्थात् :—

"कछार जिला" शब्दों के स्थान पर "कछार और करीमगंज जिले" शब्द रखे जायेंगे।

[संख्या एफ. 1 (7)/85-आर. आर. बी.]
वीणा उपाध्याय, अवर सचिव

S.O. 3651.—In exercise of the powers conferred by sub-section (1) of section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in the notification of the Government of India in Ministry of Finance (Department of Economic Affairs) No. S.O. 254(E) dated the 31st March, 1981, namely :—

In the said notification, for the words "district of Cachar", the words "districts of Cachar and Karimganj" shall be substituted.

[No. F. 1(7)/85-RRB]
VEENA UPADHYAYA, Under Secy.

नई दिल्ली, 18 जुलाई, 1985

का. आ. 3652.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खंड (कक) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा स्टेट बैंक आफ इन्दौर, प्रधान कार्यालय, इन्दौर के लिपिक श्री प्रकाश हरदास को स्टेट बैंक आफ इन्दौर के कर्मचारियों में से, जो कर्मकार हैं, 18 जुलाई, 1985 से 17 जुलाई, 1988 को समाप्त होने वाली तीन वर्ष की अवधि के लिए स्टेट बैंक आफ इन्दौर के निदेशक बोर्ड में निदेशक नियुक्त करती है।

[सं. एफ. 15/6/81-आई. आर.]
प्रवीण कुमार तेजयान, अवर सचिव

New Delhi, the 18th July, 1985

S.O. 3652.—In pursuance of clause (ca) of sub-section (1) of section 25 read with sub-section (2A) of section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government hereby appoints Shri Prakash Hardas, Clerk, State Bank of Indore, Head Office, Indore as a director on the Board of the State Bank of Indore from among the employees of the State Bank of Indore who are workmen for a period of three years commencing on 18th July, 1985 and ending with 17th July, 1988.

[No. F. 15/6/81-IR]
P. K. TEJYAN, Under Secy.

नई दिल्ली, 22 जुलाई, 1985

का. आ. 3653.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्द्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध चण्डीगढ़ राज्य सहकारी बैंक लिमिटेड, चण्डीगढ़ पर इस अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से 24 मई, 1986 तक की अवधि के लिये लागू नहीं होंगे।

[संख्या 8-1/85-ए. सी.]

New Delhi, the 22nd July, 1985

S.O. 3653.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Chandigarh State Co-operative Bank Ltd., Chandigarh from the date of publication of this notification in the Official Gazette to 24 May, 1986.

[F. No. 8-1/85-AC]

का. आ. 3654:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्द्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध हजारीबाग केन्द्रीय सहकारी बैंक लिमिटेड, हजारीबाग पर इस अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से 21 मार्च, 1986 तक की अवधि के लिये लागू नहीं होंगे।

[संख्या 8-1/85-ए. सी.]

S.O. 3654.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Hazaribhagh Central Co-

operative Bank Ltd., Hazaribagh from the date of publication of this notification in the Official Gazette to 31st March, 1986.

[F. No. 8-1/85-AC]

का. आ. 3655.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध देवघर-जामताड़ा केन्द्रीय सहकारी बैंक लिमिटेड, देवघर पर इस अधिसूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से 8 मार्च, 1986 तक की अवधि के लिये लागू नहीं होंगे।

[संख्या 8-1/85-ए. सी.]

अमर सिंह, अवर सचिव

S.O. 3655.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Deoghar-Jamtara Central Co-operative Bank Ltd., Deoghar from the date of publication of this notification in the Official Gazette to 8 March, 1986.

[F. No. 8-1/85-AC]
AMAR SINGH, Under Secy

केन्द्रीय उत्पाद शुल्क और सीमाशुल्क बोर्ड

नई दिल्ली, 3 अगस्त, 1985

सं. 233/85-सीमा शुल्क

का. आ. 3656.—केन्द्रीय उत्पादन शुल्क और सीमा शुल्क बोर्ड, सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तमिलनाडु राज्य में धर्मपुरी जिले के दन्नणिकोटटा तालुक में ग्राम कन्दुमारणपल्ली को शत-प्रतिशत निर्यातोन्मुख उपक्रम बनाने के प्रयोजन के लिये भाण्डागार स्टेशन के रूप में घोषित करती है।

[फा. सं. 473/228/85-सी. शु.-7]

CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 3rd August, 1985

No. 233/85-CUSTOMS

S.O. 3656.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Village Kundumaranpalli, Denkanikotta Taluk in Dharmpuri District in the State of Tamil Nadu, to be a warehousing station for the purposes of setting up hundred per cent export oriented undertakings.

[F. No. 473/228/85-CUS. VII]

सं. 234/85-सीमाशुल्क

का. आ. 3657.—केन्द्रीय उत्पादन शुल्क और सीमा शुल्क बोर्ड, सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य के बीजापुर जिले में बालगुन्दी ग्राम को शत-प्रतिशत निर्यातोन्मुख उपक्रम बनाने के प्रयोजन के लिये भाण्डागार स्टेशन के रूप में घोषित करती है।

[फा. सं. 473/388/85-सीमाशुल्क-7]

NO. 234/85-CUSTOMS

S.O. 3657.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Village Balagundi in Bijapur District in the State of Karnataka to be a Warehousing station for the purposes of setting up hundred per cent export oriented undertakings.

[F. No. 473/388/85-CUS. VII]

सं. 237/85-सीमाशुल्क

का. आ. 3658.—केन्द्रीय उत्पाद-शुल्क और सीमाशुल्क बोर्ड, सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पश्चिम बंगाल राज्य में, मिदनापुर जिले में जेलिंघम को भाण्डागार स्टेशन के रूप में, घोषित करता है।

[फा. सं. 473/390/85-सी.शु. 7]

सुनील कुमार, अवर सचिव

NO. 237/85-CUSTOMS

S.O. 3658.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Jellingham in Midnapur District in the State of West Bengal to be a warehousing station.

[F. No. 473/390/85-CUS. VII]
SUNIL KUMAR, Under Secy.

विदेश मंत्रालय

नई दिल्ली, 15 जुलाई, 1985

का. आ. 3659.—राजनयिक और कौंसली अधिकारी (शपथ शुल्क) अधिनियम, 1948 (1948 का 41) के खंड 2 की धारा (a) के अनुसरण में, केन्द्र सरकार इसके द्वारा, भारत का प्रधान कौंसलावास, फ्रैंकफर्ट में निजी सहायक श्री वी. वैद्यनाथन को 24-6-85 से 31-8-85 तक अथवा जब तक प्रधान कौंसल और उप-कौंसल अपनी छुट्टी की समाप्ति पर अपना कार्यभार ग्रहण नहीं कर लेते, इनमें से जो भी पूर्व हो, कौंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/1/85]

के. जे. एस. सोढ़ी, अवर सचिव

Ministry of External Affairs

New Delhi, the 15th July, 1985

S.O. 3659.—In pursuance of the clause (a) of Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri V. Vythianathan, Personal Assistant in the Consulate General of India, Frankfurt, to perform the duties of Consular Agent from 24-6-85 to 31-8-85 or until both the Consul General and Vice-Consul of that Post resume charge of their offices on expiry of leave, whichever is earlier.

[No. T-4330/1/85]
K. J. S. SODHI, Under Secy.

उद्योग और कम्पनी कार्य मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 12 जुलाई, 1985

का. आ. 3660.—केन्द्र बोर्ड द्वारा, केन्द्र उद्योग अधिनियम, 1953 (1953 का 45) की धारा 27 की उपधारा (1) के खंड

(घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बनाई गई और केन्द्रीय सरकार द्वारा पुष्टि की गई कयर बोर्ड कर्मचारी (आचरण) उपविधि 1968 का और संशोधन करने के लिए निम्नलिखित उपविधियां उक्त अधिनियम की धारा 27 की उपधारा (2) की अपेक्षानुसार प्रकाशित की जाती है, अर्थात् :—

1. (1) इन उप-विधियों का संक्षिप्त नाम कयर बोर्ड कर्मचारी (आचरण) संशोधन उप-विधि, 1985 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. कयर बोर्ड कर्मचारी (आचरण) उप-विधि 1968 में, वर्ग 1, वर्ग 2, वर्ग 3 और वर्ग 4 पद के स्थान पर जहां-जहां वे आते है समूह "क" समूह "ख" समूह "ग" और समूह "घ" पद रखे जाएंगे।

3. उप-विधि 2 में खंड (छ) के उपखंड (ख) के नीचे दिए गए स्पष्टीकरण के स्थान पर निम्नलिखित स्पष्टीकरण रखा जाएगा अर्थात् :

"स्पष्टीकरण समूह "क" समूह "ख" समूह "ग" और समूह "घ" में निम्नलिखित वर्णन वाले पद अभिप्रेत होंगे

क्र. सं.	पदों का वर्णन	पदों का वर्गीकरण
1.	ऐसा पद जिसका अधिकतम वेतन या वेतन-मान 1300 रु. से कम नहीं है।	समूह "क"
2	ऐसा पद जिसका अधिकतम वेतन या वेतन-मान 900 रु. से कम नहीं है किन्तु 1300 रु. से कम है	समूह "ख"
3	ऐसा पद, जिसका अधिकतम वेतन या वेतन-मान 290 रु. से अधिक है किन्तु 900 रु. से कम है।	समूह "ग"
4	ऐसा पद जिसका अधिकतम वेतन या वेतन-मान 290 रु. या उससे कम है।	समूह "घ"

उक्त उप-विधियों की उपविधि 3 के स्थान पर निम्नलिखित उप-विधि रखी जाएगी अर्थात् :—

3. साधारण

1. प्रत्येक कर्मचारी सभी समय;

(1) पूर्ण अखण्डता बनाए रखेगा;

(2) कर्तव्य के प्रति निष्ठा रखेगा; और

(3) ऐसा कोई कार्य नहीं करेगा जो किसी कर्मचारी के लिए अशोभनीय हो।

2. (1) प्रत्येक ऐसा कर्मचारी जो कोई पर्यवेक्षी पद धारण कर रहा है तत्समय अपने नियंत्रण और प्राधिकार के अधीन सभी कर्मचारियों की अखण्डता और कर्तव्य के प्रति निष्ठा को सुनिश्चित करने के लिए सभी संभव कदम उठाएगा;

(2) कोई भी कर्मचारी अपने पदीय कर्तव्यों का पालन करते हुए या उसे प्रदत्त शक्तियों का प्रयोग करते हुए अपने सर्वोत्तम विवेकबुद्धि से अन्यथा कार्य नहीं करेगा सिवाय तब के जब कि वह अपने पदीय वरिष्ठ के निदेशों के अधीन कार्यकर रहा हो,

(3) पदीय वरिष्ठ का निदेश साधारणतया लिखित रूप में होगा जहां तक संभव हो अधीनस्थों को मौखिक निदेश नहीं दिया जाएगा। जहां मौखिक निदेश देना अपरिवर्तनीय हो वहां पदीय वरिष्ठ उसके बाद तुरन्त लिखित रूप से उसकी पुष्टि करेगा;

(4) कोई ऐसा कर्मचारी जिसने अपने पदीय वरिष्ठ से मौखिक निदेश प्राप्त किया है यथासंभव शीघ्र लिखित रूप से उसकी पुष्टि की मांग करेगा उसके पश्चात् पदीय वरिष्ठ का यह कर्तव्य होगा कि वह निदेश को लिखित रूप में पुष्ट करे।

स्पष्टीकरण खंड (2) के उपखंड (ii) की किसी बात से यह अर्थ नहीं लगाया जाएगा कि वह किसी कर्मचारी को इसके लिए सशक्त करती है कि वह किसी पदीय वरिष्ठ या प्राधिकारी से ऐसे अनुदेश, जब शक्तियों और उत्तरदायित्वों के वितरण की स्कीम के अधीन ऐसे अनुदेश आवश्यक नहीं है, या अनुमोदन प्राप्त करके अपने उत्तरदायित्वों से बचे।

4. उप-विधि 4 में "उपक्रम" शब्द के स्थान पर जहां-जहां वह आता है, कंपनी या फर्म शब्द रखे जाएंगे।

5. उप-विधि 7 में खंड (2) में हड़ताल शब्द के पश्चात् या प्रपीड़न या शारीरिक विवाध्यता शब्द अन्तःस्थापित किए जाएंगे।

6. उप-विधि 9 में निम्नलिखित स्पष्टीकरण अन्त में जोड़ा जाएगा अर्थात् :—

स्पष्टीकरण किसी कर्मचारी द्वारा (अध्यक्ष या केन्द्रीय सरकार को अपने अभ्यावेदन में) किसी ऐसे पत्र, परिपत्र या कार्यालय ज्ञापन या किसी ऐसी फाइल के टिप्पण से जिस तक पहुंचने के लिए वह प्राधिकृत नहीं है या जिसे वह अपनी अभिरक्षा में रखने के लिए या वैयक्तिक प्रयोजनों के लिए प्राधिकृत नहीं है दिए गए उद्धरण के बारे में यह माना जाएगा कि वह इस उपविधि के अर्थ के अंतर्गत अप्राधिकृत जानकारी है।

7. उपविधि 13 में खंड (4) में, स्वीकार नहीं करेगा शब्दों के पश्चात् या अपने कुटुम्ब के किसी सदस्य को या उसकी ओर से कार्य कर रहे किसी अन्य व्यक्ति को स्वीकार करने के अनुज्ञा नहीं देगा शब्द अन्तःस्थापित किए जाएंगे।

8. उपविधि 15 में—

(1) खंड (1) में या किसी अन्य रोजगार का जिम्मा नहीं लेगा शब्दों के स्थान पर या किसी अन्य रोजगार के लिए बातचीत नहीं करेगा या उसका जिम्मा नहीं लेगा शब्द रखे जाएंगे;

(2) विद्यमान परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा अर्थात :—

परन्तु कोई कर्मचारी बिना ऐसी मंजूरी के—

(1) कोई सामाजिक या पुण्यार्थ प्रकृति के किसी अवैतनिक कार्य का जिम्मा, या

(2) साहित्यिक कलात्मक या वैज्ञानिक प्रकृति के यदाकदा किए जाने वाले किसी कार्य का जिम्मा, या

(3) क्रीड़ा क्रियाकलापों में अप्रवीण खिलाड़ी के रूप में भाग; इस शर्त के अधीन रहते हुए ले सकेगा कि सभी मामलों में उससे उसके पदीय कर्तव्यों में हानि न हो। यदि अध्यक्ष द्वारा इस प्रकार निदेश दिया जाए तो वह ऐसे कार्य या क्रियाकलाप का जिम्मा नहीं लेगा या उसे जारी नहीं रखेगा।

(3) खंड 3 में विद्यमान परन्तुक के स्थान पर निम्नलिखित परन्तुक रखा जाएगा अर्थात् :—

परन्तु कोई कर्मचारी,

(1) किसी साहित्यिक वैज्ञानिक या पुण्यार्थ सोसाइटी के या किसी ऐसी कंपनी या उसी प्रकार के संकलन से जिसका लक्ष्य और उद्देश्य खेल सांस्कृतिक या आमोद-प्रमोद संबंधी क्रियाकलापों के संवर्धन से संबंधित है और जो सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (1860 का 21) या कंपनी अधिनियम, 1956 (1956 का 1) या तत्समय प्रवृत्त किसी अन्य विधि के अधीन रजिस्ट्रीकृत है या

क्सी अन्य विधि के अधीन रजिस्ट्रीकृत है, या

(2) सहकारी सोसाइटी अधिनियम, 1912 (1912 का 2) या तत्समय प्रवृत्त किसी अन्य विधि के अधीन रजिस्ट्रीकृत किसी सहकारी सोसाइटी के जो भारत कर्मचारियों के फायदे के लिये है, रजिस्ट्रीकरण, संवर्धन या प्रबंध में भाग ले सकेगा, और खण्ड (4) के स्थान पर निम्नलिखित रखा जायेगा, अर्थात :—

(4) जब तक कि अध्यक्ष के साधारण या विशेष आदेशों द्वारा अन्यथा उपबंधित न हो कोई भी कर्मचारी उसके द्वारा किसी प्राइवेट या लोक निकाय या किसी प्राइवेट व्यक्ति के लिये किये गये किसी कार्य के लिये कोई फीस विहित प्राधिकारी की मंजूरी के बिना स्वीकार नहीं करेगा।

स्पष्टीकरण—यहां प्रयोग किये गये फीस शब्द का वही अर्थ है जो मूल नियम 9 (6—क) में है।

9. उपविधि 16 में खंड (4) में उपखंड (1) में—

(1) बैंककारी कारबार करने के लिये सम्यक रूप से प्राधिकृत किसी ख्याति प्राप्त फर्म शब्दों के स्थान पर पब्लिक लिमिटेड कंपनी शब्द रखे जायेंगें;

(2) पैरा (क) के स्थान पर निम्नलिखित पैरा रखा जायेगा, अर्थात:

(क) मालिक या अभिकर्ता की राय में धन अपने प्राधिकार की स्थानीय सीमाओं के भीतर किसी व्यक्ति या फर्म या प्राइवेट लिमिटेड कंपनी को या से या उसके साथ या ऐसे के साथ जिसके साथ उसका शासकीय व्यवहार होने की संभावना है या अन्यथा स्वंय को ऐसे व्यक्ति या फर्म या प्राइवेट लिमिटेड कंपनी के प्रति किसी धन संबंधी बाध्यता के अधीन रखा हो, उधार नहीं देगा या उधार नहीं लेगा योजना नहीं करेगा; या

10 उपविधि 18 से —

(1) खंड (1) में बोर्ड के अधीन और उसके पश्चात् ऐसे अंतरालों पर जो बोर्ड विनिर्दिष्ट करे शब्दों का लोप किया जायेगा और इस खंड को उसके उपखंड के रूप में पुनः संख्याकित किया जायेगा;

(2) इस प्रकार पुनः संख्याकित खंड (1) (1) में टिप्पण 2 में 1,000 रु. अंकों और अक्षर के स्थान पर 2000 रु. अंक और अक्षर रखे जायेगें;

(3) उपखंड (1) (i) के पश्चात् निम्नलिखित उपखंड जोड़ा जायेगा, अर्थात्

(3) प्रत्येक ऐसा कर्मचारी जो समूह क या समूह "ख" में सम्मिलित कोई पद धारण कर रहा है अपनी विरासत या अपने स्वामित्वाधीन या स्वंय द्वारा अर्जित या उसके अपने नाम में या उसके कुटुम्ब के किसी सदस्य के नाम में या किसी अन्य व्यक्ति के नाम में पट्टे या बंधक पर स्वंयद्वारा धारित स्थावर संपत्ति की बाबत पूरी विशिष्टियां देते हुए ऐसे प्रारूप में जो बोर्ड इस बाबत विहित करे वार्षिक विवरणी प्रस्तुत करेगा;

(4) खंड (3) के स्थान पर निम्नलिखित खंड रखा जायेगा अर्थात :—

(3) जहां कोई कर्मचारी अपने नाम में या अपने कुटुम्ब के किसी सदस्य के नाम में जंगम संपत्ति की बाबत संव्यवहार करता है वहां वह ऐसे संव्यवहार की तारीख से एक मास के भीतर विहित प्राधिकारी को उस दशा में उसकी रिपोर्ट करेगा यदि किसी समूह क और समूह "ख" पद धारण कर रहे कर्मचारी की दशा में ऐसी सम्पत्ति का मूल्य 2000 रु. से अधिक है या किसी समूह "ग" और समूह "घ" पद धारण कर रहे कर्मचारी की दशा में ऐसी सम्पत्ति का मूल्य 1000 रु. से अधिक है।

परन्तु विहित प्राधिकारी की पूर्व मंजूरी उस दशा में प्राप्त की जायेगी यदि कोई ऐसा संव्यवहार —

(1) किसी ऐसे व्यक्ति के साथ है जिसका कर्मचारी के साथ शासकी व्यवहार है; या

(2) नियमित या ख्यातिप्राप्त व्यौहारी के माध्यम से भिन्न है;

(3) खंड (5) के अंत में आने वाली स्पष्टीकरण-1 के रूप में संख्याकित किया जायेगा।

(6) इस प्रकार संख्याकित स्पष्टीकरण -1 में—

(1) पैरा (क) में "1000" रु. अंक और अक्षर के स्थान पर "2000 रु." अंक और अक्षर रखे जायेगें।

(2) पैरा (घ) में "रेडियो" शब्द के पश्चात् टेलीविजन सैट शब्द अन्तः स्थापित किये जायेंगे।

(7) इस प्रकार संख्याकित स्पष्टीकरण 1 के पश्चात् निम्नलिखित स्पष्टीकरण जोड़ा जायेगा अर्थात :—

स्पष्टीकरण 2 इस उपविधि के प्रयोजन के लिये पट्टा से सिवाय उसके जहां वह किसी ऐसे व्यक्ति से प्राप्त किया जाता है या उसे दिया जाता है जिसका कर्मचारी के साथ शासकीय व्यवहार है वर्षानुवर्षी या एक वर्ष से अधिक किसी अवधि या वार्षिकभाटक को आरक्षित रखने के लिये स्थावर सम्पत्ति का पट्टा अभिप्रेत है।

11. उपविधि 1 के पश्चात् निम्नलिखित उपविधि जोड़ी जायेगी अर्थात :—

18क. भारत से बाहर स्थावर सम्पत्ति के अर्जन और चयन तथा विदेशियों के साथ संव्यवहार आदि के संबंध में निबन्धन

उपविधि 18 के खंड (2) में किसी बात के होते हुए भी, कोई भी कर्मचारी विहित प्राधिकारी की पूर्व मंजूरी के बिना

(क) भारत से बाहर स्थित किसी स्थावर सम्पत्ति को अपने नाम में या अपने कुटुम्ब के किसी सदस्य के नाम में अर्जित क्रय बंधक नहीं करेगा, उसे पट्टे पर नहीं लेगा, उसका दान या अन्यथा नहीं लेगा;

(ख) भारत से बाहर स्थित किसी ऐसी स्थावर सम्पत्ति का, जो उसके द्वारा अपने नाम में या अपने कुटुम्ब के किसी सदस्य के नाम में अर्जित की गई थी या धारित है बंधक, दान द्वारा विक्रय या अन्यथा व्ययन नहीं करेगा या उसकी बाबत कोई पट्टा नहीं देगा;

(ग) किसी विदेशी, विदेशी सरकार, विदेशी संगठन या समुत्थान के साथ—

(1) किसी स्थावर सम्पत्ति के अपने नाम में या अपने कुटुम्ब के किसी सदस्य के नाम में क्रय, बंधक, पट्टा, दान द्वारा या अन्यथा अर्जन के लिये,

(2) किसी ऐसी स्थावर सम्पत्ति के, जो उसके अपने नाम में या उसके कुटुम्ब के किसी के सदस्य के नाम में, अर्जित की गई थी या धारित

है, विक्रय, बंधक, पट्टा दान द्वारा या अन्यथा व्ययन के लिये या उसकी बाबत कोई पट्टा देने के लिये,

कोई संव्यवहार नहीं करेगा।

12. उपविधि 20 में "अन्य" शब्द के पश्चात बाहरी शब्द अन्तःस्थापित किया जायेगा।

13. उपविधि 21 के स्थान पर, निम्नलिखित उपविधि रखी जायेगी अर्थात् :

21. विवाह संबंधी निर्बन्धन

(1) कोई भी कर्मचारी किसी ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह नहीं करेगा, और

(2) कोई भी कर्मचारी, जिसका पति या जिसकी पत्नी जीवित है, किसी व्यक्ति से विवाह नहीं करेगा :

परन्तु अध्यक्ष किसी कर्मचारी को कोई ऐसा विवाह, जो खंड (1) या खंड (2) में निर्दिष्ट है करने के लिये अनुज्ञा दे सकेगा, यदि उसका यह समाधान हो जाता है कि –

(क) ऐसा विवाह ऐसे कर्मचारी और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञेय है; और

(ख) ऐसा करने के लिये अन्य आधार है।

(3) कोई ऐसा कर्मचारी, जिसने भारतीय राष्ट्रीयता से भिन्न, किसी व्यक्ति से विवाह किया है या वह विवाह करता है, बोर्ड को इस तथ्य की सूचना तत्काल देगा।"

14. उपविधि 22 (1) में, खंड (ख) के स्थान पर निम्नलिखित खंड रखा जायेगा, अर्थात् –

अपने कर्त्तव्य के दौरान किसी मादक पेय या औषधि के असर में नहीं होगा और इसके लिये भी सम्यक् सावधानी बरतेगा कि ऐसे पेय या औषधि से किसी भी प्रकार किसी भी समय उसके कर्तव्यों के पालन पर असर न पड़े :

(2) खंड (ख) के पश्चात्, निम्नलिखित खंड जोड़ा जायेगा, अर्थात् :–

(खख) किसी सार्वजनिक स्थान में किसी मादक पेय या औषधि का उपभोग करने से विरत रहेगा :

(3) खंड (घ) के स्थान पर निम्नलिखित खंड रखा जायेगा, अर्थात् -

(घ) किसी मादक पेय या औषधि का अधिक उपयोग नहीं करेगा।

(4) निम्नलिखित स्पष्टीकरण अन्त में जोड़ा जायेगा अर्थात् -

स्पष्टीकरण : इस उपविधि के प्रयोजन के लिये सार्वजनिक स्थान से अभिप्रेत है कोई ऐसा स्थान या परिसर (जिसके अंतर्गत कोई वाहन भी है) जिस तक जनता की, चाहे भुगतान पर या अन्यथा, पहुंच है या वहां पहुंचने के लिये उन्हें अनुज्ञात किया गया है।

[फा. सं. 6(4)/83-1–सी. सी.]

सी. वेंकटरमणन, संयुक्त सचिव

टिप्पणी : मूल उपविधियां सं. का. आ. 1781, तारीख 15 मई, 1968 द्वारा प्रकाशित की गई थीं, और तत्पश्चात् उनका अधिसूचना सं. का. आ. 3491 तारीख 1-9-1976 द्वारा संशोधन किया गया।

MINISTRY OF INDUSTRY & COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 12th July, 1985

S.O. 3660.—The following Bye-laws further to amend the Coir Board Employees (Conduct) Bye Laws, 1968 made by the Coir Board in exercise of the powers conferred by clause (d) of sub-section (1) of section 27 of the Coir Industry Act, 1953 (45 of 1953) and confirmed by the Central Government,

are hereby published, as required by sub-section (2) of section 27 of the said Act, namely:—

1. (1) These Bye-Laws may be called the Coir Board Employees (Conduct) Amendment Bye-Laws, 1985.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Coir Board Employees (Conduct) Bye-Laws, 1968, *for the expression "Class I, Class II, Class III and Class IV"*, wherever it appears, the expression "Group A, Group B, Group C and Group D", shall be substituted,

3. In Bye-Law 2, for the Explanation given under sub-clause (b) of clause (g), the following Explanation shall be substituted, namely :—

"Explanation:— Group A, Group B, Group C and Group D posts, shall mean posts having the following description:—

S. No	Description of posts	Classification of posts
1.	*A post carrying a pay or a scale of pay* with a maximum of not less than Rs. 1,300	Group A
2.	A post carrying a pay or a scale of pay with a maximum of not less than Rs. 900 but less then Rs. 1,300.	Group B
3.	A post carrying a pay or a scale of pay with a maximum of over Rs. 290 but less then Rs. 900	Group C
4.	A post carrying a pay or a scale of paythe maximum of which is Rs. 290 or less.	Group D

3. For Bye-law 3 of the said Bye-Laws, the following Bye-laws shall be substituted, namely:—

"3. GENERAL

(1) Every employee shall at all times :

(i) *maintain absolute integrity;*

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of an employee.

(2) (i) Every employee holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all employees for the time being under his control and authority;

(ii) no employee shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior;

(iii) the direction of the official superior shall ordinarily be in writing, oral direction to sub-ordinate shall be avoided, as far as possible. Where the order of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) an employee who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

Explanation:—Nothing in sub-clause (ii) of clause (2) shall be construed as empowering an employee to evade his responsibilities by seeking instructions from, or approval of a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities."

4. In Bye-Law 4, for the word "undertaking" wherever it appears, the words "company or firm" shall be substituted.

5. In Bye-law 7, in clause (ii) after the words "strike" the words "or coercion or physical duress" shall be inserted.

6. In Bye-law 11, the following Explanation shall be added at the end, namely :—

"Explanation:—Quotation by an employee (in his representation) to the Chairman or to the Central Government) of or from any letter, circular or office memorandum or from the notes on any file, to which he is not authorised to have access, or which he is not authorised to keep in his personal custody or for personal purposes, shall amount to unauthorised communication of information within the meaning of this Bye-law".

7. In Bye-law 13, in clause (4) after the word "accept" the words "or permit any member of his family or any other person acting on his behalf to accept" shall be inserted.

8. In Bye-law 15—

(1) in clause (1), after the word "business", the words "or negotiate for" shall be inserted;

(2) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that an employee may, without such sanction—

(i) undertake honorary work of a social or charitable nature, or

(ii) undertake occasional work of a literary, artistic or scientific character, or

(iii) participate in sports activities as amateur subject to the condition that in all the cases, his official duties do not thereby suffer. He shall not undertake or shall discontinue, such work or activity, if so directed by the Chairman.";

(3) in clause (3) for the existing proviso the following proviso shall be substituted, namely:—

"Provided that an employee may take part in the registration, promotion or management of—

(i) a literary, scientific, or charitable society or of a company, club or similar organisation the aims and objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860) or the Companies Act, 1956 (1 of 1956) or any other law for the time being in force; or

(ii) a co-operative society substantially for the benefit of the employees registered under the Co-operative Societies Act, 1912 (2 of 1912) or any other law for the time being in force"; and

(4) for clause (4), the following clause shall be substituted, namely :—

"(4) Unless otherwise provided by general or special orders of the chairman, no employee may accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority.

Explanation—The term 'fee' used here shall have the meaning assigned to it in Fundamental Rule 9(6-A)."

9. In Bye-law 16, in clause (4), in sub-clause (i),—

(1) for the words "firm of standing duly authorised to conduct banking business", the words "public limited company" shall be substituted;

(2) for paragraph (a), the following paragraph shall be substituted, namely :—

"(a) lend or borrow or deposit money, as a principal or an agent to or from, or with, any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company; or".

10. In Bye-law 18—

(1) In clause (1), the words "under the Board and thereafter at such intervals as may be specified by the Board" shall be omitted and this clause shall be renumbered as sub-clause (i) thereof;

(2) In clause (1) (i) as so renumbered, in Note II, for the letters and figures "Rs. 1000/-", the letters and figures "Rs. 2000" shall be substituted;

(3) after sub-clause (1) (i), the following sub-clause shall be added, namely:—

"(ii) Every employee holding any post included in Group A or Group B shall submit an annual return in such form as may be prescribed by the Board in this regard giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any other person;"

(4) for clause (3), the following clause shall be substituted, namely:—

"(3) Where an employee enters into a transaction in respect of movable property either in his own name or in the name of a member of his family, he shall, within one month from the date of such transaction report the same to the prescribed authority, if the value of such property exceeds Rs. 2000 in the case of an employee holding any Group A or Group B post or Rs. 1000 in the case of an employee holding any Group C or Group D post:

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is—

(i) with a person having official dealings with the employee ; or

(ii) otherwise than through a regular or reputed dealer."

(5) in clause (5) the "explanation" appearing at the end shall be numbered as "Explanation-I".

(6) in the Explanation I as so numbered—

(i) in para (a), for the letters and figures "Rs. 1000" the letters and figures "Rs. 2000" shall be substituted.

(ii) in para (d), after the word "radios", the words "television sets" shall be inserted.

(7) after Explanation I, as so numbered, the following Explanation shall be added namely :—

"Explanation II—for the purpose of this bye-law 'lease' means, except where it is obtained from, or granted to, a person having official dealings with the employee, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent."

11. After Bye-law 18, the following Bye-law shall be added, namely :—

"18-A Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with Foreigners, etc.

Notwithstanding anything contained in clause (2) of Bye-Law 18, no employee shall, except with the previous sanction of the prescribed authority,—

(a) acquire, purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India ;

(b) dispose of, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family ;

(c) enter into any transaction with any foreigner, foreign Government, foreign organisation or concern,—

(i) for the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, of any immovable property ;

(ii) for the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family."

12. In Bye-law 20, after the word "other" the word 'outside" shall be inserted.

13. For Bye-law 21, the following Bye-law shall be substituted, namely :—

"21. Restriction regarding Marriage

(1) No employee shall enter into, or contract, a marriage with a person having a spouse living ; and

(2) no employee having a spouse living, shall enter into, or contract a marriage with any person :

Provided that the Chairman may permit an employee to enter into or contract, any such marriage as is referred to in clause (1) or clause (2), if he is satisfied that—

(a) such marriage is permissible under the personal law applicable to such employee and the other party to the marriage ; and

(b) there are other grounds for so doing.

(3) An employee who has married or marries a person other than of Indian Nationality shall forthwith intimate the fact to the Board."

14. In Bye-law 22

(1) for clause (b), the following clause shall be substituted, namely :—

"(b) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug ;"

(2) after clause (b), the following clause shall be added, namely :—

"(bb) refrain from consuming any intoxicating drink or drug in a public place;"

(3) for clause (d), the following clause shall be substituted, namely :—

"(d) not use any intoxicating drink or drug to excess." :

(4) the following Explanation shall be added at the end, namely :—

"Explanation : For the purpose of this Bye-law, 'public place' means any place or premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise."

[F. No. 6(4)/83-ICC]
G. VENKATARAMANAN, Jt. Secy.

Note.—The principal Bye-Laws were published vide No. S.O. 1781, dated the 15th May, 1968, and subsequently amended by notification No. S.O. 3491, dated 1-9-1976.

(कंपनी कार्य विभाग)

नई दिल्ली, 16 जुलाई, 1985

का. आ. 3661.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स आटोमोबाइल प्रोडक्ट्स आफ इंडिया लिमिटेड पंजीकृत कार्यालय लाल बहादुर मार्ग, पोस्ट बाक्स न. 7320, बम्बई-78 के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 215/70) के निरस्तीकरण को अधिसूचित करती है।

[सं. 16/11/85-एम -3]

(Department of Company Affairs)

New Delhi, the 16th July, 1985

S.O. 3661.—In pursuance of Sub-section (3) of Section of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Automobile Products of India Limited having its registered office at Lal Bahadur Shastri Marg, Post Box No. 7320, Bombay-78 under the said Act (Certificate of Registration No. 215/70).

[No. 16/11/85-M. III]

का. आ. 3662.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स फर्स्ट लीजिंग कंपनी आफ इंडिया लिमिटेड पंजीकृत कार्यालय 749, माउन्ट रोड, मद्रास-600002 के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र 1078/75) के निरस्तीकरण को अधिसूचित करती है।

[सं. 16/37/85-एम.-3]

S.O. 3662.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. First Leasing Company of India Limited, having its registered office at 749, Mount Road, Madras-600002 under the said Act (Certificate of Registration No. 1078/75).

[No. 16/37/85-M. III]

का. आ. 1363—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स न्यू गुजरात सिन्थेटिक्स लिमिटेड, पंजीकृत कार्यालय नरौदा रोड, अहमदाबाद-380025 के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 1686/84) के निरस्तीकरण को अधिसूचित करती है।

[सं 16/47/85-एम-3]

S.O. 3663.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. New Gujarat Synthetics Ltd., having its registered office at Naroda Road, Ahmedabad-380025 under the said Act (Certificate of Registration No. 1686/84).

[No. 16/47/85-M. III]

का. आ. 3664.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स साकेत एक्सपोर्टर्स एण्ड इम्पोर्टर्स (इंडिया) लिमिटेड पंजीकृत कार्यालय न्यू गुजरात सिन्थेटिक्स के पास नरौदा रोड, अहमदाबाद-380025 के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 1908/84) के निरस्तीकरण को अधिसूचित करती है।

[सं 16/48/85-एम.-3]

S.O. 3664.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Saket Exporters

and Importers (India) Ltd. having their registered office at Behind new Gujarat Synthetics, Noroda Road, Ahmedabad-380025, under the said Act (Certificate of Registration No. 1908/84).

[No. 16/48/85-M. III]

का. आ 3665:—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स ओमेक्स इनवेस्टर्स लिमिटेड पंजीकृत कार्यालय 4/1, रेड क्रास प्लेस, कलकत्ता-700001, के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 1872/84) के निरस्तीकरण को अधिसूचित करती है।

[सं. 16/49/85-एम-3]

S.O. 3665.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Omex Investors Ltd., having its Registered Office at 4|1, Red Cross Place, Calcutta-700001 under the said Act (Certificate of Registration No. 1872/84).

[No. 16/49/85-M. III]

का. आ. 3666:—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स हनुमान काटन मिल्स लिमिटेड पंजीकृत कार्यालय 4/1, रेड क्रास प्लेस, कलकत्ता-700001, के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाणपत्र संख्या 1853/84) के निरस्तीकरण को अधिसूचित करती है।

[सं. 16/50/85-एम-3]

S.O. 3666.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Hanuman Cotton Mills Ltd. having its Registered Office at 4|1, Red Cross Place, Calcutta-700001 under the said Act (Certificate of Registration No. 1853/84).

[No. 16/50/85-M. III]

का. आ. 3667:—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स कानोडिया ओवरसीज लिमिटेड पंजीकृत कार्यालय, 4/1, रेड क्रास प्लेस, कलकत्ता-700001 के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 1887/84) के निरस्तीकरण को अधिसूचित करती है।

[सं. 16/51/85-एम.-3]

S.O. 3667.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Kanoria Overseas Ltd., having its Registered Office at 4|1, Red Cross Place, Calcutta-700001 under the said Act (Certificate of Registration No. 1887/84).

[No. 16/51/85-M. III]

का. आ. 3668—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स कनोड़िया फरमीयर लिमिटेड, पंजीकृत कार्यालय अमदूपुरा बस स्टैंड के सामने, नरोदा रोड, अहमदाबाद-380035 के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 1909/84) के निरस्तीकरण को अधिसूचित करती है।

[सं. 16/52/85-एम. 3]

S.O. 3668.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M|s. Kanoria Fermier Ltd. having their registered office opposite Amdupura Bus Stand, Naroda Road, Ahmedabad-380025 under the said Act (Certificate of Registration No. 1909/84).

[No. 16/52/85-M. III]

का. आ 3669:—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स गोरखनाथ इन्वेस्टर्स एण्ड डीलर्स लिमिटेड, पंजीकृत कार्यालय 4/1, रेड क्रास प्लेस, कलकत्ता-700001 के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 1884/84) के निरस्तीकरण को अधिसूचित करती है।

[सं. 16/53/85-एम.-3]

S.O. 3669.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Gorakhnath Investers & Dealers Limited having its registered office at 4/1, Red Cross Place, Calcutta-700001 under the said Act (Certificate of Registration No. 1884/84).

[No. 16/53/85-M. III]

का. आ. 3670:—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स त्रिवेणी शीट ग्लास वर्क्स लिमिटेड, पंजीकृत कार्यालय 1, कानपुर रोड, इलाहाबाद-211002 के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 2309/85) के निरस्तीकरण को अधिसूचित करती है।

[सं. 16/59/85-एम.-3]

S.O. 3670.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Triveni Sheet Glass Works Ltd., having its registered office at 1, Kanpur Road, Allahabad-211002 under the said Act (Certificate of Registration No. 2309/85).

[No. 16/59/85-M. III]

V. P. GUPTA, Director.

नई दिल्ली, 24 जुलाई, 1985

का. आ. 3671:—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा मैसर्स दी रिलायन्स जूट एंड इन्डस्ट्रीज लि. पंजीकृत कार्यालय 9 ब्राबोर्न रोड, कलकत्ता के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 2214/85) के निरस्तीकरण को अधिसूचित करती है।

[सं. 16/90/85-एम.-3]

वेद प्रकाश गुप्ता, निदेशक

New Delhi, the 24th July, 1985

S.O. 3671.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act,

1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. The Reliance Jute and Industries Limited having its registered office at 9 Brabourne Road, Calcutta-1 under the said Act (Certificate of Registration No. 2214/84).

[No. 16|90|85-M III]
V. P. GUPTA, Director

पैट्रोलियम मंत्रालय

नई दिल्ली, 23 जुलाई 1985

का. आ. सं. 3672.—यत: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश मे हजीरा-बरेली-जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए ।

और यत: प्रतीत होता है कि ऐसी लाइनों को बिछाने का प्रयोजन के लिए एतद्पाबद्ध अनुसूची मे वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अत: अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि मे हितबद्ध कोई व्यक्ति उस भूमि में नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. बी. 58 बं, अलीगंज, लखनऊ-226020 यू. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टयता यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

हाजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
शाहजहांपुर	तिलहर	तिलहर	बैसरा	9	1-05	
			बैसरा	29	0-45	
				28	0-68	
				27	0-02	
				23	0-90	
				24	0-54	
				330	0-01	
				333	0-40	
				332	1-30	
				335	0-02	
				331	0-45	
				456	0-02	
				455	0-36	
				454	0-50	
				453	0-40	
				447	0-40	
				446	0-02	

1	2	3	4	5	6	7
शाहजहांपुर	तिलहर	तिलहर	बैसरी	448	0-45	
			नगरा	440	0-10	
				436	1-15	
				452	0-02	
				522	0-45	
				523	0-70	
				524	0-55	
				527	0-05	
				530	0-46	
				529	0-02	
				531	0-12	
				564	0-10	
				578	0-15	
				637	0-10	
				643	0-58	
				638/981	0-02	
				638	0-80	
				642	0-75	
				640	1-40	
				639	0-25	
				648	0-02	
				655	0-03	
				654	0-80	
				659	0-11	
				660	0-54	
				661	0-11	
				784	0-02	
				785	1-00	
				757	0-05	
				783	0-40	
				782	0-11	
				767	0-80	
				768	0-57	
				769	0-75	
				770	0-52	
				771	0-12	

[सं. 14016/429/85-जी.पी.]

S.O. 3672.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Hajra-Bareily to Jagdispur in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project B-58/B, Aliganj Lucknow-226020 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

H. B. J. Gas Pipe Line Project

District	Tehesil	Pargana	Village	Plot No.	Area in Acres	Remarks
1	2	3	4	5	6	7
Shahjhan Pur	Tilhar	Tilhar	Basari Baisara	9	1.05	
				29	0.45	
				28	1.68	
				27	0.62	
				23	0.90	
				24	0.54	
				330	0.01	
				333	0.40	
				332	1.30	
				335	0.02	
				331	0.45	
				456	0.02	
				455	0.36	
				454	0.50	
				453	0.40	
				447	0.40	
				446	0.02	
				448	0.45	
				440	0.10	
				436	1.15	
				452	0.02	
				522	0.45	
				523	0.70	
				524	0 55	
				527	0 05	
				530	0.46	
				529	0.02	
				531	0.12	
				564	0.10	
				578	0.15	
				637	0 10	
				643	0 58	
				638/981	0 02	
				638	0 80	
				642	0 75	
				640	1 40	
				639	0 25	
				648	0 02	
				655	0 03	
				654	0 80	
				659	0 11	
				660	0 54	
				661	0 11	
				784	0 02	
				785	1 90	
				757	0 05	
				783	0 40	
				882	0 11	
				767	0 80	
				768	0 57	
				769	0 75	
				770	0 52	
				771	0 12	

[No. O-14016/429/85-GP]

का. आ. 3673.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में हजीरा-बरेली जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए ।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण लि., बी-58 बी, अलंगंज, लखनऊ 226020 यू. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

हाजिरा बरेली, जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
शाहजहां पुर	तिलहर	खेड़ा बसेड़ा	अगरौली	9	0 05	
				10	0 03	
				11	0 15	
				14	0 15	
				15	0 05	
				16	0·05	
				17	0·03	
				18	0·13	
				19	0·30	
				20	0·05	
				26	0·25	
				27	0 26	
				29	0·27	
				33	0·30	
				34	0·02	
				35	1·15	
				64	0 05	
				69	0 01	

[सं. O 14016/430/85-जी.पी.]

S.O. 3673.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Hajira-Bareilly to Jagdishpur in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project B-58|B, Aliganj Lucknow-226020 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or bb legal practitioner.

SCHEDULE

H. B. J. Gas Pipe Line Project

District	Tahesil	Pargana	Village	Plot No	Area in acres	Remarks
1	2	3	4	5	6	7
Shahjhan Pur	Tilhar	Khera Bejhera	Agroli	9	0-05	
				10	0-03	
				11	0-15	
				14	0-15	
				15	0-05	
				16	0-05	
				17	0-03	
				18	0-13	
				19	0-30	
				20	0-05	
				26	0-25	
				27	0-26	
				28	0-27	
				33	0-30	
				34	0-07	
				35	1-15	
				64	0-05	
				69	0-01	

[No. O-14016/430/85-G.P.]

का. आ. 3674—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में हजीरा बरेली जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए ।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि में नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., बी-58/बी, अलीगंज, लखनऊ 226 020 (उ. प्र.) को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

हाजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
शाहजहां पुर	तिलहर	खेड़ा बझेड़ा	मोहब्बत गंज कुपाड़ाडा	70	0-10	
				71	0-05	
				73	0-43	
				89	0-18	
				88	0-18	
				87	0-30	
				86	0-18	
				92	0-27	
				93	0-22	
				94	0-25	
				95	0-45	
				103	0-78	
				127	0-20	
				128	0-15	
				134	0-52	
				135	0-52	
				136	0-30	
				137	0-02	
				148	0-10	
				215	0-10	
				90	0-03	
				147/1	1-00	
				147/2	0-50	
				72	0-02	
				91	0-15	

[फा. O-14016/431/85-जी. पी.]

S.O. 3674.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Hajra-Bareily to Jagdishpur in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project B-58|B, Aliganj Lucknow-226020 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

H. B. J. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Shahjhan-Pur	Tilhar	Khera Bajhera	Mohabbat-ganj Kuwan Dara	70	0-10	
				71	0-05	
				73	0-43	
				89	0-18	
				88	0-18	
				87	0-30	
				86	0-18	
				92	0-27	
				93	0-22	
				94	0-25	
				95	0-45	
				103	0-78	
				127	0-20	
				128	0-15	
				134	0-52	
				135	0-52	
				136	0-30	
				137	0 02	
				148	0-10	
				215	0-10	
				90	0-03	
				147/1	1-00	
				147/2	0-50	
				72	0-02	
				91	0-15	

[No. O-14016/431/58 G.P.]

का. आ. 3675.—यत: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में हजीरा–बरेली–जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यत: प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अत: अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी भारतीय गैस प्राधिकरण लि. बी-58/बी, अलीगंज, लखनऊ-226020 यू.पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टत: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

हजीरा—बरेली—जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
शाहजहाँपुर	तिलहर	खेड़ा बजेड़ा	गोविन्दपुर	12	0-02	
				13	1-00	
				20	0-12	
				21	0-05	
				23	0-02	
				24	0-12	
				26	0-01	
				29	0-02	
				30	0-55	
				31	0-45	
				43	0-02	
				44	0-02	
				265	0-35	
				266	0-30	
				267	0-01	
				268	1-05	
				271	0-02	
				292	0-75	
				294	0-25	
				297	0-70	
				299	0-25	
				300	0-50	
				328	0-50	
				330	0-35	
				331	0-37	
				332	0-42	
				338	0-01	
				340	0-10	
				343	1-25	
				18	0-01	
				19	0-01	
				25	0-01	
				256	0-02	
				255	0-01	
				264	0-03	
				318	0-02	
				341	0-01	

[सं. O-14016/432/85 जी. पी.]

S.O. 3675.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Hajira-Bareilly to Jagdishpur in Uttar Pradesh State Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project B-58/B, Aliganj Lucknow-226020 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULES

H. B. J. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Shahjhan Pur	Tilhar	Khera Bajhera	Gobind Pur	12	0-02	
				13	1-00	
				20	0-12	
				21	0-05	
				23	0-02	
				24	0-12	
				26	0-01	
				29	0-02	
				30	0-55	
				31	0-45	
				43	0-02	
				44	0-02	
				265	0-35	
				266	0-30	
				267	0-01	
				268	1-05	
				271	0-02	
				292	0-75	
				294	0-25	
				297	0-70	
				299	0-25	
				300	0-50	
				328	0-50	
				330	0-35	
				331	0-37	
				332	0-42	
				338	0-01	
				340	0-10	
				343	1-25	
				18	0-01	
				19	0-01	
				25	0-01	
				256	0-02	
				255	0-01	
				264	0-02	
				318	0-02	
				340	0-01	

[No. O-14016/432/85-G.P.]

का. आ. 3676—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में हजीरा—बरेली—जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि. बी-58/बी, अलीगंज, लखनऊ-226020 यू.पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

हजीरा—बरेली—जगदीशपुर पाइप लाइन प्रोजेक्ट।

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा	विवरण
1	2	3	4	5	6	7
शाहजहाँपुर	तिलहर	तिलहर	बन्धीचक	145	0-02	
				144	0-18	
				139	0-03	
				141	0-02	
				138	0-30	
				148	0-50	
				149	0-50	
				150	0-02	
				132	0-10	
				133	0-60	
				100	0-65	
				99	0-35	
				101/428	0-02	
				101	0-38	
				102	0-60	
				103	0-47	
				109	1-00	
				108	0-18	
				253	0-16	
				329	1-00	
				330	0-02	
				331	0-27	
				332	0-13	
				324	0-02	
				345	0-22	
				344	1-18	
				397	0-08	
				381	0-02	
				380	0-08	
				379	1-12	
				385	0-02	
				384	0-14	
				383	0-01	
				386	0-38	
				387	1-46	
				386	0-03	
				372	0-08	
				371	0-40	
Total				38	12-74	

[सं. O-14016/433/85-जी. पी.]

S.O. 3676.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Hajira-Bareilly to Jagdishpur in Uttar Pradesh, State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd, H.B.J. Pipeline Project B-58/B, Aliganj Lucknow-226020 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Hajira Barielly Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Shahjahanpur	Tilhar	Tilhar	Bandichak	145	0-07	
				144	0-18	
				139	0-03	
				141	0-02	
				138	0-30	
				148	0-50	
				149	0-50	
				150	0-02	
				132	0-10	
				133	0-60	
				100	0-65	
				99	0-35	
				101/428	0-02	
				101	0-38	
				102	0-60	
				103	0-47	
				109	1-00	
				108	0-18	
				253	0-16	
				329	1-00	
				330	0-02	
				331	0-27	
				332	0-13	
				324	0-02	
				345	0-22	
				344	1-18	
				397	0-08	
				381	0-02	
				380	0-08	
				379	1-12	
				385	0-02	
				384	0-14	
				383	0-01	
				386	0-38	
				387	1-46	
				388	0-03	
				372	0-08	
				371	0-40	
				38	12-74	

[No. O-14016/433/85—G.P.

का. आ. सं. 3677.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में हजीरा-बरेली-जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिये ।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., बी-58 बी, अलीगंज, लखनऊ-226020 यू. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतया यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के मार्फत ।

अनुसूची

हजीरा-बरेली-जगदीशपुर गैस लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम गाटा सं०	अर्जन एकड़ में	विवरण
1	2	3	4	5	6	7
शाहजहांपुर	तिलहर	खेड़ा	कंकलिया	228	0.30	
		बसेड़ा	धरमपुर	337	0-10	
				238	0-20	
				239	0-10	
				243	0-30	
				244	0-10	
				248	0-05	
				331	0-03	
				341	0-03	
				342	0-40	
				343	0-15	
				345	0-20	
				350	0-10	
				354	0-09	
				355	0-30	
				356	0-21	
				357	0-12	
				358	0-10	
				373	0-35	
				351	0-30	

[सं० O-14016/434/85-जी.पी.]

S.O. 3677.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Hajra-Bareily to Jagdishpur in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project B-58|B, Aliganj Lucknow-226020 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

H. B. J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Shahjahanpur	Tilhar	Khera Bojhora	Kanklia Dharam Pur	228	0-30	
				237	0-10	
				238	0-20	
				239	0-10	
				243	0-30	
				244	0-10	
				248	0-05	
				331	0-03	
				341	0-03	
				342	0-40	
				343	0-15	
				345	0-20	
				350	0-10	
				354	0-09	
				355	0 30	
				356	0 21	
				357	0 12	
				358	0 10	
				373	0 35	
				351	0 30	

[No. O-14016/434/85-GP]

का. आ. 3678—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में हजरा-बरेली-जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिये।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि., बी-58 बी, अलीगंज, लखनऊ-226020 यू. पी. को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

हजरा- बरेली - जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं०	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
शाहजहांपुर	तिलहर	तिलहर	रैना	45	0-10	
				46	0-06	
				47	1-52	
				54	0-67	
				55	0 01	
				58	0-67	
				87	0 08	
				89	0 09	
				90	0-20	
				91	0 12	
				66	0-08	
				128	0 01	
				131	0-05	
				132	0 04	
				133	0 05	
				134	0 04	
				135	0 04	
				136	0-22	
				138	0-06	
				66	0-02	

[सं. O-14016/435/85-जी. पी.]

S.O. 3678.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Hajra-Bariely to Jagdishpur in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project B-58|B, Aliganj, Lucknow-226020 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

H. B. J. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Shahjahan-pur.	Tilhar	Tilhar	Raina	45	0 10	
				46	0 06	
				47	1 52	
				54	0 67	
				55	0 01	
				56	0 67	
				67	0 08	
				89	0 09	
				90	0 20	
				91	0 12	
				66	0 08	
				128	0 01	
				131	0 05	
				132	0 04	
				133	0 05	
				134	0 04	
				135	0 04	
				136	0 22	
				138	0 06	
				64	0 02	

[No. O-14016/435/85-GP]

का. आ. 3679 यत: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि उत्तर प्रदेश में हजीरा-बरेली-जगदीशपुर तक पेट्रोलियम के परिवहन के लिये पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिये।

और यत: प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अत: अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप सक्षम प्राधिकारी, भारतीय गैस प्राधिकरण लि०, बी-58/बी, अलीगंज, लखनऊ- 226020 यू. पी., को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतया यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

हाजिरा- बरेली- जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
शाहजहांपुर	तहसील	खेड़ा बजेड़ा	आलमपुर	119		0-20
				120		0-10
				121		0 40

1	2	3	4	5	6	7
					124	0-30
					144	0-02
					145	0-02
					146	0-30
					149	0-85
					159	0-10
					160	0-80
					166	0-90
					167	0- 40
					241	0- 10
					243	0- 01
					244	0- 15
					245	0- 60
					252	0- 32
					256	0- 98
					258	0 51
					260	0 03
					263	0 50
					264	0 73
					267	0 02
					270	0- 52
					271	1- 08
					274	0- 05
					648	0:30
					649	0- 50
					650	0- 75
					653	0- 68
					654	0- 68
					659	0- 03
					684	1- 20
					685	0- 35
					686	0- 05
					687	0- 05
					729	0 02
					730	0- 25
					731	0- 10
					741	0- 70
					740	0- 05
					743	0- 25
					742	0- 05
					744	0- 35
					745	0- 05
					123	0- 01
					148	0- 01
					162	0- 03
					246	0- 05
					255	0- 01
					683	0- 01
					746	0- 01
					739	0- 05

[सं. -O14016/436/85-जी.पी.]

S.O. 3679.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Hajira-Bareilly to Jagdishpur in Uttar Pradesh State pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act. 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Pipeline Project, B-58/B, Aliganj. Lucknow-226020 U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

H. B. J. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Shahjahan Pur	Tilhar	Khera Baihera	Alam-pur	119	0 20	
				120	0 10	
				121	0 40	
				124	0 30	
				144	0 02	
				145	0 02	
				146	0 30	
				149	0 85	
				159	0 10	
				160	0 80	
				166	0 90	
				167	0 40	
				241	0 10	
				243	0 01	
				244	0 15	
				245	0 60	
				252	0 32	
				256	0 98	
				257	0 51	
				260	0 03	
				263	0 50	
				264	0 73	
				267	0 02	
				270	0 52	
				271	1 08	
				274	0 05	
				648	0 30	
				649	0 50	
				650	0 75	
				653	0 68	
				654	0 68	
				659	0 03	
				684	1-20	
				685	0-35	
				686	0 05	
				637	0 05	
				729	0 02	
				730	0 25	
				731	0 10	
				741	0 70	
				740	0 05	
				743	0 25	
				742	0 05	
				744	0 35	
				745	0 05	
				123	0 01	
				148	0 01	
				162	0 03	
				246	0 05	
				255	0 01	
				683	0 01	
				746	0 01	
				739	0 05	

[No. O-14016/436/85—G.P.]

नई दिल्ली, 29 जुलाई, 1985

का. आ. 3680.— यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम विभाग की अधिसूचना का.आ. सं. 3682 तारीख 17-11-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप-लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट

ग्राम मकडावन तहसील बड़नगर जिला उज्जैन राज्य (म. प्र.)

अनु. क्र.	खसरा नं.	उपयोग अधिकार अर्जन का क्षेत्र (हेक्टर्स में)
1.	545/1	0 209
2.	132	0 209
3.	487	0. 10
4.	192	0 209
5.	191	0 105
6.	164	0 419
7.	126	0 084
8.	65	0 261
9.	572/4	0 094
10.	572/3	0 320
11.	550/2	0 021
12.	557/2	0 365
13.	510	0 445
14.	433	0 188
15.	459	0 366
16.	460	0 027
17.	469	0 010
18.	480	0 105
19.	481	0 236
20.	553/1	0 282
21.	554/1	0 042
22.	557/1	0 061
23.	555	0 275
24.	556	0 052
25.	572/2	0 647
26.	471	0 209
27.	472	0 084
28.	470	0 366
29.	474	0 021
30.	344	0 575
31.	345	0 261
32.	197	0 157
33.	198	0 523
34.	199	0 523
35.	187/1	0 784
36.	187/2	0 009
37.	190/1	0 073
38.	185/1/1	0 575
39.	185/1/2	0 042
40.	178	—
	179/1	—
41.	179/2	0 332
	177	
	181	
42.	163	0 645
	179/3	0 332
	177/1	
	180	
	181/1	
43.	175	0 094
44.	176	0 439
45.	174/1	0 031
46.	172	0 021
47.	162/3	0 215
48.	162/2	0 215
49.	162/1	0 190
	कुल रकबा	11 852

[सं O-14016/127/84 जी.पी.]

S.O. 3680.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 3682 dated 17-11-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

HBJ Gas Pipe Line Project

Village : Makadawan Tehsil Badnagar Distt. : Ujjain

S. No.	Survey No.	Area to be Acquired for R.O.U. in Hectare
1.	545/1	0.209
2.	432	0.209
3.	487	0.105
4.	192	0.209
5.	191	0.105
6.	164	0.418
7.	126	0.084
8.	65	0.261
9.	572/4	0.094
10.	572/3	0.320
11.	550/2	0.021
12.	557/2	0.365
13.	510	0.445
14.	433	0.188
15.	459	0.366

1	2	3	4	5	6	7
16.		460				0.27
17.		469				0.010
18.		480				0.105
19.		481				0.236
20.		553/1				0.282
21.		554/1				0.042
22.		557/1				0.061
23.		555				0.275
24.		556				0.052
25.		572/2				0.647
26.		471				0.209
27.		472				0.084
28.		470				0.366
29.		474				0.021
30.		344				0.575
31.		345				0.261
32.		197				0.157
33.		198				0.523
34.		199				0.523
35.		187/1				0.784
36.		187/2				0.009
37.		190/1				0.073
38.		185/1/1				0.575
39.		185/1/2				0.042
40.		178				..
41.		179/1 179/2 177 181				0.332
42.		163 179/3 177/1 180 181/1				0.645 0.332
43.		175				0.094
44.		176				0.439
45.		174/1				0.031
46.		172				0.021
47.		162/3				0.215
48.		162/2				0.215
49.		162/1				0.19
		Total Area				11.852

[No. O-14016/127/84-G.P.]

Competent Authority
HBJ Project, Distt. Ujjain

का.आ.सं. 3681 यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.आ.सं. 4670 तारीख 14-12-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हजिरा-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट।

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरामऊ	तालग्राम	बिरौली	993	44	
				992	15	
				991	01	
				989	19	
				981	1-20	
				990	02	

[सं. O-14016/486/84-जीपी]

S.O. 3681.—Whereas by notification of the Government of India in the Ministry of Petroleum) S.O. 4670 dated 14-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira--Bareilly--Jagdishpur Gas Pipe line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Farrukhabad	Chhhibra Mau	Talgram	Birouli	993	44	
				992	15	
				991	01	
				989	19	
				981	1 20	
				990	02	

[F. No. O-14016/486/84-GP]

का. आ. 3683:—यत: पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 4671 तारीख 14-12-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यत: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और आगे यत: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब, अत: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट ।

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा (एकड़ में)	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरामऊ	तालग्राम	तेरा जकट	1718	0-15	
				1719	0-11	
				1720	0-10	

[सं० O-14016/487/84-जी.पी.]

S.O. 3682.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 4671 dated 14-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, threfore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira—Bareilly—Jagdishpur Pipeline Project

Distt	Tehsil	Pargana	Village	Plot No.	Area Acquired Acres	Remarks
1	2	3	4	5	6	7
Farrukhabad	Chhibramau	Talgram	Terjaket	1718	0-15	
				1719	0-11	
				1720	0-10	

[No. O-14016/487/84-GP]

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरामऊ	तालग्राम	लालपुर	7	0-03	
				8	0-01	
				9	0-45	
				10	0-17	
				23	0-25	
				62	0-39	
				63	0-37	
				64	0-54	
				65	0-16	
				102	0-02	
				103	0-48	

[सं० O-14016/488/84 GP]

S.O. 3683.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 4677 dated under sub-section (1) of Section 3 of the Petroleum and leum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (i) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Limited free from encumbrances.

SCHEDULE

Hajira –Bareilly--Jagdishpur Pipeline Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired Acres	Remarks
1	2	3	4	5	6	7
Farrukhabad	Chhibramau	Talgram	Lalpur	7	0–03	
				8	0–01	
				9	0–45	
				10	0–17	
				23	0–25	
				62	0–39	
				63	0–37	
				64	0–54	
				65	0–16	
				102	0–02	
				103	0–48	

[No. O-14016/488/84-GP]

का. आ. 3684.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पैट्रोलियम विभाग की अधिसूचना का. आ. सं० 4673 तारीख 14-12-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरामऊ	तालग्राम	समधन	12	0-26	
				34	0-40	
				35	0-40	
				37	0-40	
				38	0-15	
				41	0-33	
				42	0-03	
				53	0-22	
				138	0-03	
				59	0-18	
				101	0-18	
				102	0-75	
				104	0-15	
				131	0-13	
				132	0-01	
				134	0-16	
				135	0-42	
				136	0-40	
				137	0-20	
				239	0-41	
				240	0-21	
				241	0-30	
				242	0-48	

1	2	3	4	5	6	7
				383	0-01	
				381	0-03	
				503	0-24	
				382	0-50	
				384	0-10	
				497	0-18	
				410	0-18	
				411	0-20	
				448	0-21	
				449	0-20	
				450	0-04	
				479	0-36	
				480	0-26	
				481	0-07	
				478	0-01	
				482	0-50	
				469	0-28	
				470	0-26	
				412	0-35	
				486	0-01	
				483	0-20	
				485	0-12	
				495	0-03	
				499	0-14	
				500	0-03	
				501	04-2	
				502	0-18	
				504	0-12	
				506	0-30	
				507	0-32	
				508	0-35	
				509	0-08	

[सं० O-14016/499/84-जी० पी०]

S.O. 3684.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4673 dated 14-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government as on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

Hajira—Bareilly—Jagdishpur Pipeline Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired Acres	Remarks
Farrukhabad	Chhibramau	Talgram	Samdhan	12	0-26	
				34	0-40	
				35	0-40	
				37	0-40	
				38	0-15	
				41	0-28	
				42	0-01	
				53	0-22	
				138	0-03	
				59	0-18	
				101	0-18	
				102	0-75	
				104	0-15	
				131	0-13	
				132	0-01	
				134	0-16	
				135	0-42	
				136	0-40	
				137	0-20	
				239	0-41	
				240	0-21	
				241	0-30	
				242	0-48	
				383	0-01	
				381	0-03	
				503	0-24	
				382	0-50	
				384	0-10	
				497	0-18	
				410	0-18	
				411	0-20	
				448	0-21	
				449	0-20	
				450	0-04	
				479	0-36	
				480	0-26	
				481	0-07	
				478	0-01	
				482	0-50	
				469	0-28	
				470	0-26	
				412	0-35	
				486	0-01	
				483	0-20	
				485	0-12	
				495	0-03	
				499	0-14	
				500	0-03	
				501	0-42	
				502	0-18	
				504	0-12	
				506	0-30	
				507	0-32	
				508	0-35	
				509	0-08	

[NO. O. 14016/48984-GP]

का. आ. 3686.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन

भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.आ.सं. 138 तारीख 2-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा–बरेली–जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा (एकड़ में)	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरा-मऊ	सौरिख	मधपुरा	1111*	07	
				1120	30	
				1121	31	
				1122	1-20	
				1130	04	
				1140	30	
				1141	1-20	
				1150	35	
				1151	24	
				1152	05	
				1157	21	
				1158	63	
				1161	08	
				1192	50	
				1198	74	
				1201	45	
				1202	78	
				1230	53	
				1235	1-10	
				1239	23	
				1316	22	
				1323	33	
				1324	06	
				1327	09	
				1328	50	
				1331	14	
				1332	15	
				1345	39	
				1346	1-26	
				1338	02	
				1321	0-57	
				1322	03	

[सं० O-14016/531/84-जीपी]

S.O. 3685.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 138 dated 2-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired Acres	Remark
1	2	3	4	5*	6	7
Farru-khabad	Chhi-bramau	Sorikh	Madh-pura	1111	07	
				1120	30	
				1121	31	
				1122	1-20	
				1130	04	
				1140	30	
				1141	1-20	
				1150	35	
				1151	24	
				1152	05	

1	2	3	4	5	6	7
				1157	21	
				1158	63	
				1161	08	
				1192	50	
				1198	74	
				1201	45	
				1202	78	
				1230	53	
				1235	1–10	
				1239	[illegible]3	
				1316	[illegible]	
				13[illegible]3	33	
				13[illegible]4	06	
				13[illegible]7	09	
				13[illegible]8	50	
				1[illegible]1	14	
				1332	15	
				1345	39	
				1346	1–[illegible]6	
				1338	0[illegible]	
				13[illegible]1	0–57	
				13[illegible]2	03	

[No. O-14016/531/84 PG]

का.आ. 3686.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 139 तारीख 3.1.85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

[सं० O-14016/532/84-जी.पी]

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाइप लाइन प्राजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा (एकड़ में)	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरा-मऊ	तालग्राम	पनगवां	700	02	
				789	66	
				791	55	
				793	15	

1	2	3	4	5	6	7
फर्रुखाबाद		तालग्राम	पनगवां	794	35	
				795	16	
				797	11	
				832	35	
				833	25	
				834	05	
				835	05	
				836	05	
				839/1	49	
				859	30	
				860	[illegible]0	
				862	10	
				863	05	
				864	11	
				874	02	
				876	36	
				877	24	
				903/2	65	
				916	18	
				917	33	
				924	27	
				925	15	
				926	15	
				930	06	
				932	02	
				933/1	06	
				946	07	
				949	33	
				950	50	
				952/3	06	
				955	02	
				956	02	
				957	35	
				972/1	2–02	
				1046	03	
				1047	36	
				1048	10	
				1049	03	
				1050	15	
				1051	48	
				1052	03	
				1053	40	
				1054	05	
				1059	05	
				1060	12	
				1063	30	
				1064	10	
				1090	22	
				1091	35	
				1092	02	
				1107	33	
				1108	30	
				1345	15	
				1346	05	
				1347	25	
				1350	10	

1	2	3	4	5	6	7
				1354	20	
				1355	18	
				1360	15	
				1361	12	
				1362	15	
				1265	28	

[सं. O-14016/532/84 जीपी]

S.O. 3686.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 139 dated 2-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Barielly-Jagdeshpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired Acre	Remarks
1	2	3	4	5	6	7
Farrukhabad	Chhibramau	Talgram	Pangawana	700	02	
				789	06	
				791	55	
				793	15	
				794	35	
				795	16	
				797	11	
				832	35	
				833	25	
				834	05	
				835	05	
				836	05	
				839/4	49	
				859	30	
				860	20	
				862	10	
				863	05	
				864	11	
				874	02	
				876	36	
				877	24	
				903/2	65	
				916	18	
				917	33	
				924	27	
				925	15	
				926	45	
				930	06	
Farrukhabad			Pangawani	932	07	
				933/1	06	
				946	07	
				949	33	
				950	50	
				95 /3	06	
				955	02	
				956	02	
				957	35	
				972/1	2—02	
				1046	03	
				1047	36	
				1048	10	
				1049	03	
				1050	15	
				1051	48	
				1052	03	
				1053	40	
				1054	05	
				1059	05	
				1060	12	
				1063	30	
				1064	10	
				1090	22	
				1091	35	
				1092	02	
				1107	33	
				1108	30	
				1345	15	
				1346	05	
				1347	25	
				1350	10	
				1354	10	
				1355	18	
				1360	15	
				1361	12	
				1362	15	
				1265	28	

[No. O-14016/532/84-GP]

का०आ० 3687.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम मंत्रालय की अधिसूचना का०आ०सं० 307 तारीख 11-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा–बरेली–जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा स.	रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरा–मऊ	तालगांव	तिलक सराय	189	03	
				190	15	

[सं. O-14016/541/84 जीपी]

S.O. 3687.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 307 dated 11-1-85 under sub-section (1) of Section 3 of the Petroleum and Minuerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user to the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project

Distt.	Tehsil	Pargana	Villag	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Farrukhabad	Chhibra, Mau	Talgram	Tilak Sarai	189	03	
				190	15	

[No. O-14016/541/84-G.P.]

का.आ. 3688.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 308 तारीख 11-1-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा–बरेली–जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा (एकड़) में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरा–मऊ	तालगांव	बरई	1	0–49	
				2	0–15	
				3	0–21	
				4	0–24	
				5	0–15	
				15	0–29	
				16	0–19	
				17	0–18	
				18/373	0–15	
				18	0–20	
				39	0–54	
				40	0–01	
				41	0–78	

1	2	3	4	5	6	7
फर्रुखाबाद	बरई			42	0–01	
				43	0–01	
				63	0–78	
				64	0–11	
				124	0–05	
				136	0–11	
				137	0–03	
				138	0–24	
				139	0–60	
				143	0–31	
				145	0–01	
				150	0–63	
				151	0–28	
				152	0–18	
				175	0–15	
				154	0–01	
				177	0–48	
				178	0–38	
				179	0–33	
				180	0–18	
				181	0–21	
				202	0–01	
				203	0–33	
				205	0–10	
				206	0–02	
				277	0–13	
				278	0–75	
				289	0–01	
				290	0–33	
				291	0–36	
				292	0–30	
				295	0–63	
				296	0–01	
				298	0–18	
				318	0–01	
				322	0–83	
				323	0–01	
				324	0–24	
				350	0–18	
				349	0–01	
				337	1–65	
				338	0–42	
				339	0–18	
				340	0–01	
				341	0–30	
				342	0–01	
				347	0–20	
				348	0–01	
				367	0–09	

[सं. O-14018/542/84 जी.पी.]

S.O. 3688.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 308 dated 11-1-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government, vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired in acres	Remarks
1	2	3	4	5	6	7
Farrukhabad	Chhibramau	Tigram	Barai	1	0-49	
				2	0–15	
				3	0-21	
				4	0-24	
				5	0–15	
				15	0-29	
				16	0–19	
				17	0–18	
				18/373	0–15	
				18	0-20	
				39	0–54	
				40	0-01	
				41	0-73	
				42	0-01	
				43	0–01	
				63	0-78	
				64	0–11	
				124	0–05	
				136	0–11	
				137	0–03	
				138	0-24	
				139	0-60	
				143	0–31	
				145	0-01	
				150	0–63	
				151	0-28	
				152	0–18	
				175	0–15	
				154	0-0	
				177	0-48	
				178	0–38	
				179	0–33	
				180	0-18	
				181	0-21	
				202	0-01	
				203	0-33	
				205	0-10	
				206	0-02	
				277	0–13	

1	2	3	4	5	6	7
Farrukha-bad	Barai			278	0-75	
				289	0-01	
				290	0 33	
				291	0-36	
				292	0-30	
				295	0-63	
				296	0-01	
				298	0-18	
				318	0-01	
				322	0-83	
				323	0-01	
				324	0-24	
				350	0-18	
				349	0-01	
				337	1-65	
				338	0-42	
				339	0-18	
				340	0-01	
				341	0-30	
				342	0-01	
				347	0-20	
				348	0-01	
				367	0-08	

[No. O-14016/542/84 G.P.]

का०आ० 3689.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का.आ.सं० 309 तारीख 11-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप-लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा—बरेली—जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा (एकड़) में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरा-मऊ	तालग्राम	सलेमपुर	97/1	1-95	
				111	0-01	
				112	0-02	
				113	0-21	
				117	0-15	
				118	0-02	
				119	0-03	
				120	0-01	
				124	0-01	
				125	0-13	
				133/1	2-21	
				166	0-18	
				167	0-12	
				168	0-28	
				182	0-12	
				173	0-41	
				174	0-10	
				175	0-11	
				176	0-34	
				187	0-26	
				188	0-51	
				190	0-72	
				192	0-02	
				193	0-45	
				196	0-71	
				236	0-23	
				238	0-09	

[सं. O-14016/543/84 जी पी.]

S.O. 3689.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 309 dated 11-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act. submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the scheduled appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdishpur Pipeline Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired Acres	Remarks
1	2	3	4	5	6	7
Farru-khabad	Chhibra-mau	Talgram	Sallem-pur	97/1	1-95	
				111	0-01	
				112	0-02	
				113	0-21	
				117	0-15	
				118	0-02	
				119	0-03	
				120	0-01	
				124	0-01	
				125	0-13	
				133/1	2-21	
				166	0-18	
				167	0-12	
				168	0-28	
				172	0-12	
				173	0-41	
				174	0-10	
				175	0-11	
				176	0-34	
				187	0-26	
				188	0-51	
				190	0-72	
				192	0-02	
				193	0-45	
				196	0-71	
				236	0-23	
				238	0-09	

[No. O-14016/543/84-G.P.]

का. आ. 3690.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 310 तारीख 11-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा (एकड़ में)	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरामऊ	तालग्राम	गोविन्दपुर उर्फ कूकापुर	444	0 02	
				445	0 06	
				446	0 42	
				448	0 30	
				449	0 39	
				450	0 33	
				451	0 48	
				454	0 06	
				473	0 54	
				475	0 30	
				479	0 24	
				478	0 30	
				480	0 07	
				486	0 24	
				487	0 10	
				484	0 16	
				483	0 32	
				488	0 07	

[सं. O-14016/544/84-ज. पा.]

S.O. 3690.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 310 dated 11-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdishpur Pipe line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired Acres	Re-marks
1	2	3	4	5	6	7
Farru-khabad	Chhibra-mau	Talgram	Govind-pur urf Kukapur	444	0-0?	
				445	0-06	
				446	0-42	
				448	0-30	
				449	0-39	
				450	0-33	
				451	0-48	
				454	0-06	
				473	0-54	
				475	0-30	
				479	0-24	
				478	0-30	
				480	0-07	
				486	0-24	
				487	0-10	
				484	0-16	
				483	0-32	
				488	0-07	

[No. O-14016/544/84-G.P.]

का.आ. 3691.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 311 तारीख 11-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा (एकड़ में)	विवरण
1	2	3	4	5	6	7
फर्रुखा-बाद	छिबरा-मऊ	सकत-पुर	मनगवां	099	09	
				1442	- 24	
				1012	- 10	
				1029	- 21	
				1030	- 04	
				1013	- 03	
				1018	- 18	
				1019	- 52	
				1073	- 04	
				1102	- 05	
				1071	- 02	
				1020	- 18	
				1028	- 25	
				1026	- 07	
				1027	- 04	
				1036	- 03	
				1080	- 30	
				1093	- 07	
				1142	- 08	
				1160	- 14	
				1161	- 21	
				1037	- 04	
				1042/1	- 72	
				1078/11	- 06	
				1081	- 07	
				1086	- 60	
				1104	- 60	
				1147/1	- 48	
				1424	- 36	
				1428	- 11	
				1430/1	- 35	
				1474/10	- 33	
				1483/4	1 16	
				1442/2	- 27	
				1442/3	- 22	
				1067	- 20	
				1070	- 07	
				1078/2	- 12	
				1079	- 09	
				1080	- 30	
				1155	- 07	
				1160	- 06	

1	2	3	5	5	6	7
फर्रुखाबाद	(जारी)			1082	- 01	
				1141	- 30	
				1153	- 32	
				1163	- 20	
				1206	5 15	
				1207	- 15	
				1143	- 23	
				1146	- 05	
				1153	- 07	
				1209	- 45	
				1390/2	- 90	
				1390/3	- 60	
				1413	- 03	
				1466	- 03	
				1422	- 26	
				1426	- 29	
				1465/1	- 26	
				1465/2	- 25	
				1467	- 45	
				1468	- 60	
				1474/1	- 02	
				1474/11	- 44	
				1483/4	- 48	
				1483/5	- 14	
				1486	- 25	
				1487	- 09	
				1488	- 48	
				1579/1	- 15	
				1579/2	- 18	
				1579/3	- 02	
				1579/4	- 54	
				1417	- 17	

[सं. O-14016/545/84-जी.पी.]

S.O. 3691.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 311 dated 1-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

Hajira-Barielly-Jagdeshpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired Acres	Remarks
1	2	3	4	5	6	7
Farrukhabad	Chhibramou	Sakatpur	Bangava	999	- 09	
				1442	- 24	
				1012	- 10	
				1029	- 21	
				1030	- 04	
				1013	- 03	
				1018	- 18	
				1019	- 52	
				1073	- 04	
				1102	- 05	
				1071	- 02	
				1020	- 18	
				1028	- 25	
				1026	- 07	
				1027	- 04	
				1036	- 03	
				1080	- 30	
				1093	- 07	
				1142	- 08	
				1160	- 14	
				1161	- 21	
				1037	- 04	
				1042/1	- 72	
				1078/11	- 06	
				1081	- 07	
				1086	- 60	
				1104	- 60	
				1147/1	- 48	
				1424	- 36	
				1428	- 11	
				1430/1	- 35	
				1474/10	- 33	
				1483/4	1 16	
				1442/2	- 27	
				1442/3	- 22	
				1067	- 20	
				1070	- 07	
				1078/2	- 17	
				1079	- 09	
				1080	- 30	
				1155	- 07	
				1160	- 06	
				1082	- 01	
				1141	- 30	
				1153	- 32	
				1163	- 20	
				1206	5 15	
				1207	- 15	
				1143	- 23	
				1146	- 05	
				1153	- 07	
				1209	- 45	
				1390/2	- 90	

1	2	3	4	5	6	7
Farrukhabad—Contd				90/3	– 06	
				1413	– 03	
				1466	– 03	
				1422	– 26	
				1420	– 29	
				1465/1	– 26	
				1465/2	– 25	
				1467	– 45	
				1468	– 60	
				1474/1	– 02	
				1474/11	– 44	
				1483/4	– 48	
				1483/5	– 14	
				1486	– 25	
				1487	– 09	
				1488	– 48	
				1579/1	– 15	
				1579/2	– 18	
				1579/3	– 02	
				1579/4	– 54	
				1417	– 17	

[No. O-14016/545/84-GP]

का. आ. 3692.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. स. 985 तारीख 25-2-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (i) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (i) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा–बरेली–जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	अर्जित किया जाने वाला विवरण एकड़ में
1	2	3	4	5	6
फर्रुखाबाद	छिबरामऊ	तालग्राम	तरिया-मऊ	238	0–27
				239	0–30
				246	0–02
				247	0–60
				251	0–12
				390	0–02
				419	0–13
				378	0–04
				379/1	0–22
				379/2	0–30
				379/3	0–26
				384	0–02
				396	0–02
				397	0–38
				398	0–08
				399	0–10
				400	0–33
				405	0–60
				406	0–40
				407	0–33
				409	0–04
				410	0–08
				411	0–10
				413	0–02
				414	0–14
				487	0–39
				489	0–20
				610	0–50
				611	0–40
				615	0–20
				616	0–16
				617	0–40
				642	0–14
				643	0–21
				644	0–18
				645	0–14
				646	0–27
				649	0–03
				650	0–25
				655	0–33
				658	0–55
				658	0–03
				660	0–21
				661	0–03
				729	0–03
				733	0–03
				734	0–05
				735	0–30
				748	0–30

1	2	3	4	5	6	7
फर्रुखाबाद—जारी				749	0-24	
				750	0-02	
				757	0-33	
				758	0-11	
				759	0-08	
				760	0-30	
				761	0-30	
				809	0-03	
				810	0-30	
				846	0-30	
				847	0-18	
				848	0-18	
				849	0-25	
				850	0-18	
				851	0-30	
				934	0-04	
				936	0-06	
				937	0-18	
				938	0-25	
				933	0-08	
				940	0-03	
				941	0-25	
				942	0-20	
				852	0-04	
				853	0-20	
				965	0-03	
				970	0-02	
				871	0-04	
				972	0-45	
				973	0-13	
				974	0-03	
				975	0-17	
				415	0-21	
				987/611	0-10	

[सं० O-14016/106/85 जीपी]

S.O. 3692.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 985 dated 25-2-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification :

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project

Dist	Tahsil,	Pargana	Village	Plot No.	Area in acers	Re-arks
1	2	3	4	5	6	7
Farru-habad	Chhibra au	Talgra	Taria mau	238	0-27	
				239	0-30	
				246	0-02	
				247	0-60	
				251	0-12	
				390	0-02	
				419	0-13	
				378	0-04	
				379/1	0-22	
				379/2	0-30	
				379/3	0-26	
				384	0-02	
				396	0-02	
				397	0-38	
				398	0-08	
				399	0-10	
				400	0-33	
				405	0-60	
				406	0-40	
				407	0-32	
				409	0-04	
				410	0-08	
				411	0-10	
				413	0-02	
				414	0-14	
				487	0-39	
				489	0-20	
				610	0-50	
				611	0-40	
				615	0-20	
				616	0-16	
				617	0-40	
				642	0-14	
				643	0-21	
				644	0-18	
				645	0-14	
				646	0-27	
				649	0-03	
				650	0-25	
				655	0-33	
				657	0-55	
				658	0-03	
				660	0-21	
				661	0-03	
				729	0-03	
				733	0-03	
				734	0-05	
				735	0-30	
				748	0-30	
				749	0-24	
				750	0-02	
				757	0-33	
				758	0-11	
				759	0-08	
				760	0-30	
				761	0-30	

1	2	3	4	5	6
				809	0-03
				810	0-30
				846	0-30
				847	0-18
				848	0-18
				849	0-25
				850	0-18
				851	0-30
				934	0-04
				936	0-06
				937	0-18
				938	0-25
				923	0-08
				940	0-03
				941	0-25
				942	0-20
				852	0-04
				853	0-20
				965	0-03
				970	0-02
				971	0-04
				972	0-45
				973	0-13
				974	0-03
				975	0-17
				415	0-21
				987/611	0-10

[No. O-14016/106/85-G.P.]

का. आ. 3693.—यतः पेट्रोलियम और खनिज लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 986 तारीख 25-2-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर गैस पाइप पाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	
फरुखाबाद	छिबरामऊ	तालग्राम	रायपुर	335	0-33	
				337	0-31	
				338	0-29	
				339	0-29	
				340	0-27	
				346	1-08	
				355	0-41	
				356	0-41	
				357	0-15	
				358	0-24	
				359	0-07	
				360	0-01	
				368	0-41	
				370	0-58	
				371	0-02	
				372	0-45	
				373	0-29	
				374	0-07	
				377	0-02	
				382	0-14	
				416	0-12	
				417	0-10	
				418	0-05	
				419	0-07	
				421	0-08	
				425	0-10	
				315	0-12	
				426	0-12	
				427	0-34	
				431	0-11	
				432	0-14	
				435	0-24	
				437	0-21	
				446	0-30	
				447	0-16	
				448	0-28	
				449	0-10	
				450	0-19	
				454	0-02	
				456	0-15	
				457	0-16	
				463	0-70	
				464	0-51	
				466	0-07	

[सं० O-14016/107/85-जी०पी०]

S.O. 3693.—Whereas by notification of the Government of ıdia in the Ministry of Petroleum S.O. 986 dated 25-2-1985 nder, sub-section (1) of Section 3 of the Petroleum and linerals Pipelines (Acquisition of Right of User in Land) .ct, 1962 (50 of 1962), the Central Government declared s intention to acquire the right of user in the lands speci- :d in the schedule appended to that notification for pur- ose of laying pipeline ;

And whereas the Competent Authority has under Sub- :ction (1) of Section 6 of the said Act, submitted report to ıe Government ;

And further whereas the Central Government has, after onsidering the said report, decided to acquire the right of ser in the lands specified in the schedule appended to this otification ;

Now, therefore, in exercise of the power conferred by ıb-section (1) of the Section 6 of the said Act, the Central iovernment hereby declares that the right of user in the ıid lands specified in the schedule appended to this notifica- ion hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section ł) of that section, the Central Government directs that the ight of user in the said lands shall instead of vesting in èntral Government vests on this date of the publication of :his declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project

Distt.	Tahsil	Pargana	Village	Plot No.	Area in acers	Re-mark
1	2	3	4	5	6	7
Farru-khabad	Chhibra Mau	Talgram	Raipur	335	0–33	
				337	0–31	
				338	0–29	
				339	0–29	
				340	0–27	
				346	0–18	
				355	0–41	
				356	0–41	
				357	0–15	
				358	0–24	
				359	0–07	
				360	0–01	
				368	0–41	
				360	0–58	
				371	0–02	
				372	0–45	
				373	0–29	
				374	0–07	
				377	0–02	
				382	0–14	
				416	0–12	
				417	0–10	
				418	0–05	
				419	0–07	
				421	0–08	
				425	0–10	
				31ں	0–12	
				426	0–12	
				427	0–34	
				431	0–11	
				432	0–14	
				435	0–24	
				437	0–21	
				446	0–30	
				447	0–16	
				448	0–28	
				449	0–10	
				450	0–19	
				454	0–02	
				456	0–15	
				457	0–16	
				463	0–70	
				464	0–51	
				466	0–07	

[No. O-14016/107/85 G.P.]

का.आ. 3694.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 987 तारीख 25-2-1985 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा संख्या	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
फरुखा-बाद	छिबा-रामऊ	तालग्राम	नलिकपुर	1405	0-20	
				1407	0-04	
				1408	0-45	
				1411	0-60	
				1415	0-06	
				1506	0-09	
				1515	0-11	
				1516	0-18	

1	2	3	4	5	6	7
			मलिकपुर	1517	0-36	
				1539	0-60	
				1542	0-21	
				1543	0-09	
				1546	0-04	
				1547	0-06	
				1548	0-07	
				1549	0-14	
				1550	0-12	
				1551	0-06	
				1552	0-33	
				1665	0-58	
				1666	0-05	
				1667	0-10	
				1677	0-05	
				1679	0-34	
				1681	0-90	
				1682	0-10	
				1713	0-27	
				1714	0-34	
				1715	0-02	
				1721	0-45	
				1722	0-50	
				1723	0-21	
				1724	0-09	
				1725	0-27	
				1810	0-35	
				1812	0-21	
				1813	0-15	
				1814	0-14	
				1815	0-01	
				1816	0-03	
				1820	0-78	

[सं०O-14016/108/85 जी०पी०]

S.O. 3694.—Whereas by notification of Government of India in the Ministry of Petroleum S.O. 987 dated 25-2-1985 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under Subsection (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by subsection (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project

Dist.	Tahasil	Pargana	Village	Plot No.	Area in acers	Remark
1	2	3	4	5	6	7
Farrukhabad	Chhibra, Mau	Talgram	Malik Pur	1405	0-20	
				1407	0-04	
				1408	0-45	
				1411	0-60	
				1415	0-06	
				1506	0-09	
				1515	0-11	
				1516	0-18	
				1517	0-36	
				1539	0-60	
				1542	0-21	
				1543	0-09	
				1546	0-04	
				1547	0-06	
				1548	0-07	
				1549	0-14	
				1550	0-12	
				1551	0-06	
				1552	0-33	
				1665	0-58	
				1666	0-05	
				1667	0-10	
				1677	0-05	
				1679	0-34	
				1681	0-90	
				1682	0-10	
				1713	0-27	
				1714	0-34	
				1715	0-02	
				1721	0-45	
				1722	0-50	
				1723	0-21	
				1724	0-09	
				1725	0-27	
				1810	0-35	
				1812	0-21	
				1813	0-15	
				1814	0-14	
				1815	0-01	
				1816	0-03	
				1820	0-78	

[No. O-14016/108/85-G.P.]

का.आ. 3695.—यतः पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम मंत्रालय की अधिसूचना सं. का.आ. 988 तारीख 25-2-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यत : केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अत : उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप-लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं०	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरामऊ	तालग्राम	नरमऊ	53	0-06	
				55	0-51	
				75	0-12	
				76	0-15	
				77	0-01	
				79	0-06	
				81	0-07	
				82	0-06	
				83	0-15	
				85	0-04	
				90	0-02	
				91	0-20	
				92	0-12	
				96	0-05	
				97	0-13	
				98	0-24	
				100	0-30	
				101	0-15	
				102	0-03	
				103	0-04	
				108	0-51	
				109	0-75	
				114	0-42	
				142	1-62	
				197	0-07	
				198	0-20	
				199	0-18	
				203	0-21	
				212	0-36	
				213	0-04	
				216	0-27	
				220	0-23	
				417	2-25	
				307	0-10	
				308	0-30	
				317	6-00	
				320	0-70	
				327	0-41	
				331	0-30	
				332	0-40	
				334	0-32	
				342	1-15	
				348	0-45	
				355	0-33	
				57	0-04	
				80	0-15	

[सं० O-14016/109/85 जी०पी०]

S.O. 3695.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 988 dated 25-2-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And Further Whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Limited, free from all encumbrances.

SCHEDULE

H. B. J. Gas Pipe Line Project

Dist.	Tahasil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Farrukhabad	Chhibramau	Talgram	Narmau	53	0-06	
				55	0-51	
				75	0-12	
				76	0-15	
				77	0-01	
				79	0-06	
				81	0-07	

1	2	3	4	5	6	7
				82	0-06	
				83	0-15	
				85	0-04	
				90	0-02	
				91	0-20	
				92	0-12	
				96	0-05	
				97	0-13	
				98	0-24	
				100	0-30	
				101	0-15	
				102	0-03	
				103	0-04	
				108	0-51	
				109	0-75	
				114	0-42	
				142	1-62	
				197	0-07	
				198	0-20	
				199	0-18	
				203	0-21	
				212	0-36	
				213	0-04	
				216	0-27	
				220	0-33	
				417	2-25	
				307	0-10	
				308	0-30	
				317	1-00	
				320	0-70	
				327	0-41	
				331	0-30	
				332	0-40	
				334	0-32	
				342	1-15	
				348	0-45	
				355	0-33	
				57	0-04	
				80	0-15	

[No. O-14016/109/85 G.P.]

का. आ. 3696—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 989 तारीख 25-2-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं०	अर्जित रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरामऊ	तालग्राम	मूसीनगर	473	0-02	
				476	0-48	
				477	0-12	
				478	0-55	
				479	0-05	
				491	0-12	
				492	0-42	
				495	0-30	
				496	0-51	
				497	0-03	
				498	0-57	
				499	0-78	
				500	0-45	
				506	0-80	
				493	0-12	
				494	0-02	
				509	0-15	

[सं O 14016/110/85 जी०पी०]

S.O. 3696.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 989 dated 25-2-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Gas Pipe Line From Hajira-Bareilly-Jagdishpur Project

Distt.	Tahasil	Pargana	Village	Plat No	Area in acres	Remarks
1	2	3	4	5	6	7
Farrukhabad	Chhibra Mau	Talgram	Jhusi Nagar	473	0-02	
				476	0-48	
				477	0-12	
				478	0-55	
				479	0-05	
				491	0-12	
				492	0-42	
				495	0-30	
				496	0-51	
				497	0-03	
				498	0-57	
				499	0-78	
				500	0-45	
				506	0-80	
				493	0-12	
				494	0-02	
				509	0-15	

[No. O-14016/110/85-GP]

का०आ० 3697.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के (पेट्रोलियम मंत्रालय) की अधिसूचना का०आ०सं० 990 तारीख 25-2-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं	अर्जित रकबा विवरण एकड़ में	
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरामऊ	तालग्राम	बढ़ोरा	15	0-33	
				18	0-18	
				19	0-97	
				23	0-78	
				41	0-60	
				48	0-30	
				52	0-36	
				51	0-15	
				53	0-05	

[सं. O 14015/111/85-जी.पी.]

S.O. 3697.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 990 dated 25-2-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

H. B. J. Gas Pipe Line Project

Distt.	Tahasil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Farrukhabad	Chhibra Mau	Talgram	Badora	15	0-33	
				18	0-18	
				19	0-97	
				23	0-78	
				41	0-60	
				48	0-30	
				52	0-36	
				51	0-15	
				53	0-05	

[No. O-14016/111/85-GP]

का. आ. 3698.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 994 तारीख 25-2-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है । कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

हाजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं	अर्जित रकबा विवरण एकड़ में
1	2	3	4	5	6 7
फर्रुखाबाद	छिबरामऊ	सोरिख	नावेमऊ	1727	0- 22
				1728	0- 03
				1739	0- 39
				1773	0- 27
				1774	0- 02
				1775	0- 21
				1806	0- 10
				1814	0- 20
				1815	0- 14
				1816	0- 30
				1817	0- 12
				1828	0- 15
				1825	0- 21
				1826	0- 21
				1868	0- 07
				1869	0- 10
				1870	0- 06
				1871	0- 10
				1872	0- 18
				1875	0- 21
				1879	0- 58
				1880	0- 18
				1881	0- 18
				1902	0- 02
				1903	0- 36
				1904	0- 06
				1905	0- 06
				1928	0- 15
				1929	0- 50
				1938	0- 12
				1940	0- 30
				1941	0- 60
				1943	0- 18
				1945	0- 27
				1946	0- 32
				1947	0- 04
				1948	0- 51
				2008	0- 12
				2281	0- 07
				2282	0- 19
				2283	0- 18
				2284	0- 54
				2286	0- 11
				2287	0- 29
				2288	0- 32
				2292	0- 10
				2293	0- 50
				2294	0- 45
				2296	0- 81
				2295	0- 12
				2307	0- 08
				2340	0 10
				2341	0- 29
				2349	0- 08
				2351	0- 48
				2352	0- 48
				2355	0- 39
				2801	0- 18
				2850	0- 05
				2859	0- 33
				2862	0- 08
				2861	0- 18
				2867	0- 24
				1776	0- 06
				1901	0- 10
				1876	0- 03
				1926	0- 41
				1930	0- 15
				1937	0- 12

[सं O-14016/115/85-जीपी]

S.O. 3698.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 994 dated 25-2-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULS

H. B. J. Gas Pipe Line Project

Distt.	Tahasil	Pargana	Village	Plat No.	Area in acres	Remarks
1	2	3	4	5	6	7
Farru-khabad	Chhibra Mau	Saurikh	Nadc-mau	1727	0–22	
				1728	0–03	
				1739	0–39	
				1773	0–27	
				1774	0–02	
				1775	0–21	
				1806	0–10	
				1814	0–20	
				1815	0–14	
				1816	0–30	
				1817	0–12	
				1828	0–15	
				1825	0–21	
				1826	0–21	
				1868	0–07	
				1869	0–10	
				1870	0–06	
				1871	0–10	
				1872	0–18	
				1875	0–21	
				1879	0–58	
				1880	0–18	
				1881	0–18	
				1902	0–02	
				1903	0–36	
				1904	0–06	
				1905	0–06	
				1928	0–15	
				1929	0–50	
				1938	0–12	
				1940	0–30	
				1941	0–60	
				1943	0–18	
				1945	0–27	
				1946	0–32	
				1947	0–04	
				1948	0–51	
				2008	0–12	
				2281	0–07	
				2282	0–19	
				2283	0–18	
				2284	0–54	
				2286	0–11	
				2287	0–29	
				2288	0–32	
				2292	0–10	
				2293	0–50	
				2294	0–45	
				2296	0–81	
				2295	0–12	
				2307	0–08	
				2340	0–10	
				2341	0-29	
				2349	0–08	
				2351	0–48	
				2352	0–48	
				2355	0–39	
				2801	0–18	
				2850	0–05	
				2859	0–33	
				2862	0–08	
				2861	0–18	
				2867	0–24	
				1776	0–06	
				1901	0–10	
				1876	0–03	
				1926	0–41	
				1930	0–15	
				1937	0–12	

[No. O-14016/115/85-GP]

का. आ. 3699.—यत: पैट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम मंत्रालय, की अधिसूचना का. आ. सं. 1154 तारीख द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यत: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अत: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा संखे	रकबा एकड़	विवरण
1	2	3	4	5	6	7
फरुखा-बाद	छिबरा मऊ	ताल-ग्राम	भिया-सर	1026	1.87	
				1023	1.37	
				1014	0.23	
				1012	0.22	

1	2	3	4	5	6
				1013	0 21
				1010	0 15
				1002	0 28
				1001	0 25
				1000	0 21
				1005	0 09
				999	0 03
				902	0 16
				901	0 17
				897	0 28
				898	0 21
				896	0 10
				917	0 60
				854	0 03
				853	0 08
				852	0 17
				851	0 40
				850	0 22
				846	0 50
				847	0 04
				849	0 40
				848	0 26
				833	0 01
				834	0 03
				843	0 15
				842	0 15
				841	0 05
				1003	40 01

[सं०Q. ०-14016/147/85-जी०पी०]

S.O. 3699.—Whereas by notification of the Government of India in the Ministry of Energy (Deptt. of Petroleum) S.O. 1154 dated under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

H. B. J. Gas Pipe Line Project

Distt.	Tahsil	Pargana	Village	Plot No	Area in acres	Remarks
Farrukhabad	Chhibramau	Talgaram	Chiyasa	1026	1-87	
				1023	1-37	
				1014	0-23	
				1012	0-22	
				1013	0-21	
				1010	0-15	
				1002	0-28	
				1001	0-25	
				1000	0-21	
				1005	0-09	
				999	0-03	
				902	0-16	
				901	0-17	
				897	0-28	
				898	0-21	
				896	0-10	
				917	0-60	
				854	0-03	
				853	0-08	
				852	0-17	
				851	0-40	
				850	0-22	
				846	0-50	
				847	0-04	
				849	0-40	
				848	0-26	
				833	0-01	
				834	0-03	
				843	0-15	
				842	0-15	
				841	0-05	
				1003	0-01	

[No. O-14016/147/58-G.P.]

का. आ. 3700 :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का. आ. सं. 1155 तारीख 1-12-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था ।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब, अतः उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची

में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकारण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

हाजिरा-बरेली-जगदीशपुर गैस पाइपलाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं०	अर्जित रकबा (एकड़ में)
1	2	3	4	5	6
फर्रुखाबाद	सदर	सदर	सिया	12	0 18
				13	1 32
				24	0 01
				25	0 01
				28	1 10
				48	0 16
				49	0 60
				50	0 24
				51	0 01
				53	0 45
				54	0 30
				55	0 01
				99	1 20
				100	0 02
				101	0 96
				102	0 35
				133	0 04
				205	0 54
				208	0 01
				211	0 45
				216	0 59
				217	0 42
				232	0 01
				238	1 71
				241	0 01
				244	0 50
				245	0 04
				246	0 87
				247	0 02
				30	0 51

[सं०O-14016/148/85 ओ०पी०]

S.O. 3700.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 1155 dated under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

H. B. J. Gas Pipeline Project

Distt.	Tahsil	Pargana	Village	Plot No	Area in Acres
1	2	3	4	5	6
Farru-khabad	Sader	Sader	Siya	12	0–18
				13	1–32
				24	0–01
				25	0–01
				28	1–10
				48	0–16
				49	0–60
				50	0–24
				51	0–01
				53	0 45
				54	0–30
				55	0–01
				99	1–20
				100	0–02
				101	0–96
				102	0–35
				133	0–04
				205	0–54
				208	0–01
				211	0–45
				216	0–59
				217	0–42
				232	0–01
				238	1–71
				241	0–01
				244	0–50
				245	0–04
				246	0–87
				247	0–02
				30	0–51

का०आ 3701.—यतः पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पैट्रोलियम विभाग) की अधिसूचना का०आ० सं० 2323 तारीख 18-5-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों

के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग के अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है ।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की इस तारीख से निहित होगा।

अनुसूची

विजयपुर (म०प्र०) से सवाई माधोपुर (राज०) तक पाइपलाइन बिछाने के लिये

राज्य : राजस्थान जिला : कोटा तहसील : पीपल्दा

गांव	खसरा नं०	हैक्टर	आर	सेन्टीआर
1	2	3	4	5
डोली	1	0	02	72
	6	0	57	62
	7	0	09	92
	8	0	12	01
	13	0	01	72
	14	0	00	96
	15	0	02	99
	15	0	00	96
	91	0	08	97
	17	0	08	89
	90	0	17	74
	89	0	01	17
	83	0	00	26
	88	0	15	88
	87	0	19	04
	85	0	26	34
	86	0	00	38
	69	0	02	99
	68	0	45	53
	66	0	05	71
	67	0	05	03
	54	0	09	58
	53	0	00	21
	52	0	13	35
	51	0	11	96
	49	0	08	42
	48	0	45	40
	540/301	0	13	70
	109	0	28	32
	224	0	01	92
	389	0	11	96
डोली—जारी	388	0	07	98
	387	0	17	39
	595/238	0	26	23
	238	0	14	95
	380	0	61	98
	382	0	14	95
	378	0	05	71
	533/346	0	02	45
	345	0	79	70
	353	0	24	46
	354	0	05	49
	338	0	22	13
	355	0	01	35
	336/511	0	18	62
	336	0	00	05
	356	0	00	21
	357	0	08	18
	358	0	32	80
	359	0	04	01
	362	0	66	21
	28	0	04	62

[सं० O-14016/339/85-जी०पी०]

S.O. 3701.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O.2323 dated 18-5-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted reprot to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd., free from all encumbrances.

SCHEDULE

Pipeline from Bijapur (M.P.) to Sawai Madhopur (Raj.)
State : Rajasthan, District : Kota, Tehsil : Piplada

Village	Survey No.	Hec-tare	Are	Cen-tiare
1	2	3	4	5
Doli	1	0	02	72
	6	0	57	62
	7	0	09	92

1	2	3	4	5
Doli—Contd.	8	0	12	01
	13	0	01	72
	14	0	00	96
	15	0	02	99
	16	0	00	96
	91	0	08	97
	27	0	08	89
	90	0	17	74
	89	0	01	17
	83	0	00	26
	88	0	15	88
	87	0	19	04
	85	0	26	34
	86	0	00	38
	69	0	02	99
	68	0	45	53
	66	0	05	71
	67	0	05	03
	54	0	00	58
	53	0	00	21
	52	0	13	35
	51	0	11	96
	49	0	08	42
	48	0	45	40
	540/391	0	13	70
	109	0	28	32
	224	0	01	2
	289	0	11	96
	288	0	07	98
	287	0	17	39
	595/238	0	26	23
	238	0	14	95
	380	0	61	98
	382	0	14	95
	378	0	05	71
	533/246	0	02	45
	345	0	79	79
	353	0	24	46
	354	0	05	49
	338	0	22	13
	355	0	01	35
	336/511	0	18	62
	336	0	00	05
	356	0	00	21
	357	0	08	18
	358	0	32	80
	359	0	04	01
	362	0	66	21
	28	0	04	62

[No. O-14016/339/85-G.P.]

का०आ० 3702 :—अतः पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पैट्रोलियम विभाग) की अधिसूचना का०आ०सं० 2324 तारीख 19-5-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइनों को बिछाने के प्रयोजन के लिये अर्जित करने की अपनी आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग के अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है ।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

विजयपुर (म०प्र०) से सवाई माधोपुर (राज०) तक पाइपलाइन बिछाने के लिये

राज्य : राजस्थान जिला : कोटा तहसील : पीपल्दा

गांव	खसरा सं०	हैक्टर	आर	सेन्टीआर
गणेशगंज	220	0	00	36
	221	0	20	18
	266	0	27	38
	226	0	02	60
	265	0	55	31
	259	0	13	83
	264	0	32	31
	261	0	23	55
	262	0	40	59
	254	0	14	18
	278	0	81	93
	279	0	07	88
	280	0	06	00
	282	0	31	43
	287	0	30	12
	288	0	17	30
	303	0	01	01
	513/314	0	14	00
	521/314	0	02	90
	315	0	01	10
	316	0	03	97
	317	0	18	67
	318	0	03	05
	331	0	04	83
	312	0	00	17
	332	1	00	33
	334	0	52	70
	353	0	00	03
	352	0	59	39
	352/462	0	00	96
	351	0	61	37
	515/350	1	33	33
	344	0	00	58
	348	0	23	02
	349	0	01	07
	347	0	10	40
	346	0	46	83
	355	0	09	03
	399	0	41	36
	400	0	03	83

[सं० 14016/340/85-जी०पी०]

S.O. 3702.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 2324 dated 18-5-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

Pipeline from Bijaipur (M.P.) to Sawai Madhopur (Raj.)

State : Rajasthan District : Kota Tehsil : Pipalada

Village	Survey No.	Hec-tare	Are	Centi-are
1	2	3	4	5
Ganesh Gang	220	0	00	36
	221	0	20	18
	266	0	27	38
	226	0	02	60
	265	0	55	31
	259	0	13	83
	264	0	32	31
	261	0	23	55
	262	0	40	59
	254	0	14	18
	278	0	81	93
	279	0	07	88
	280	0	06	90
	282	0	31	43
	287	0	30	12
	288	0	17	39
	303	0	01	91
	513/314	0	14	08
	521/314	0	02	90
	315	0	01	10
	316	0	03	97
	317	0	18	67
	318	0	03	05
	331	0	04	83
	312	0	00	17
	332	0	00	33
	334	0	52	70
	353	0	00	03
	352	0	59	39
	352/462	0	00	96
	351	0	61	33
	515/350	0	33	32
	344	0	00	58
	348	0	23	02
	349	0	01	07
	347	0	10	40
	346	0	46	83
	355	0	09	03
	399	0	41	36
	400	0	03	83

[No. O-14016/340/85 G.P.]

का. आ. 3703—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 2327 तारीख 18-5-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग के अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा पर उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की इस तारीख से निहित होगा।

अनुसूची

बिजयपुर (म. प्र.) से सवाई माधोपुर (राज.) तक पाईप लाईन बिछाने के लिये

राज्य : राजस्थान जिला : कोटा तहसील : छबड़ा

गांव	खसरा नं	हेक्टर	आर	सेन्टीआर
1	2	3	4	5
चाचोड़ा	2	1	43	75
	41	0	12	18
	40	0	08	46
	39	0	47	07
	42	0	25	70
	44	0	17	05
	43	0	05	82
	46	0	00	78
	555	0	22	68
	554	0	01	18
	561	0	13	22
	562	0	13	36
	563	0	05	56
	564	0	02	27
	565	0	01	65

1	2	3	4	5
चाचोड़ा—जारी	566	0	11	62
	567	0	08	18
	570	0	03	70
	573	0	00	70
	531	0	05	15
	528	0	22	49
	527	0	07	70
	526	0	09	36
	525	0	04	75
	524	0	00	88
	517	0	02	23
	515	0	04	22
	516	0	04	56
	518	0	05	25
	513	0	04	31
	506	0	10	81
	504	0	15	32
	507	0	00	88
	503	0	07	87
	502	0	26	30
	901	0	10	69
	883	0	09	80
	898	0	08	91
	899	0	18	78
	900	0	02	59
	895	0	04	66
	926	0	30	44
	925	0	00	02
	927	0	50	02
	930	0	00	47
	933	0	47	82
	935	0	33	56
	936	0	18	41
	937	0	17	23
	948	0	06	53
	951	0	66	78
	950	0	00	35
	1005	0	19	60
	1006	0	23	46
	1015	0	81	23
	1016	0	17	53
	1025	0	50	04
	1024	0	31	19
	1028	0	29	11
	952	0	02	56
	500	0	00	53
	505	0	00	78
	591	0	00	78
	514	0	00	69
	514/1063	0	00	29
	582	0	01	08

[सं. O-14016/343/85-पी. पी.]

S.O. 3703.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 2327 dated 18-5-1985 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in Central Government, vests on this date of publication of this declaration in the Gas Authority of India Limited free from encumbrances.

SCHEDULE

Pipeline from Bijaipur (M.P.) to Sawai Madhopur (Raj.)

State : Rajasthan District : Kota Tehsil : Chabra

Village	Survey No.	Hectare	Are	Centiare
1 2 3	4 5	6		7
Chanchoda	2	1	43	75
	41	0	12	18
	40	0	08	46
	39	0	47	07
	42	0	25	70
	44	0	17	05
	43	0	05	82
	46	0	00	78
	555	0	22	68
	554	0	01	18
	561	0	13	22
	562	0	13	36
	563	0	05	56
	564	0	02	27
	565	0	01	65
	566	0	11	62
	567	0	08	18
	570	0	03	70
	573	0	00	70
	531	0	05	15
	528	0	22	49
	527	0	07	70
	526	0	09	36
	525	0	04	75
	524	0	00	88
	517	0	02	23
	515	0	04	22
	516	0	04	56
	518	0	05	25
	513	0	04	31
	506	0	10	81
	504	0	15	32

1	2	3	4	5	6	7
Chanchoda--Contd.			507	0	00	88
			503	0	07	87
			502	0	26	30
			901	0	10	69
			883	0	09	80
			898	0	08	91
			899	0	10	78
			900	0	02	59
			895	0	04	66
			926	0	30	44
			925	0	00	02
			927	0	50	02
			930	0	00	47
			933	0	47	82
			935	0	33	56
			936	0	18	41
			937	0	17	23
			948	0	06	53
			951	0	66	78
			950	0	00	35
			1005	0	19	60
			1006	0	23	46
			1015	0	81	23
			1016	0	17	52
			1025	0	50	04
			1023	0	31	19
			1028	0	29	11
			952	0	03	56
			500	0	00	53
			505	0	00	78
			591	0	00	78
			514	0	00	69
			514/1063	0	00	29
			582	0	01	08

No. O-14016/343/85-G.P.]

शुद्धि पत्र

का० आ० 3704:—भारत सरकार पेट्रोलियम मंत्रालय के अधिसूचना नं. 14016/293/85 जं .पं .जो कि का.आ. सं. 1890 दिनांक 23-4-85 द्वारा पेट्रोलियम एवं खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 के धारा 3 (1) के अन्तर्गत भारत सरकार के गजट भाग 2 खंड 3 उपखंड (ii) में दिनांक 4-5-85 को प्रकाशित हुआ है, की अनुसूची में निम्नलिखित सर्वे नम्बर जोड़े जाते हैं एवं यह समझा जावेगा कि सर्वे नम्बर प्रारम्भ से ही इसमें जोड़े गये हैं।

अनुसूची

विजयपुर (म. प्र.) से सवाई माधोपुर तक पाइप लाइन बिछाने के लिए

राज्य : राजस्थान जिला : कोटा तहसील : पंपल्दा

गांव	खसरा नं.	हेक्टर	आर	से. आर
1	2	3	4	5
इठावा	1224	0	02	48
	1225	0	01	58
	1226	0	02	78

[सं. O-14016/293/85-जी.पी.]

CORRIGENDUM

S.O 3704.—In the Government of India Ministry of petroleum notification No. 14016/293/85-G.P. Published vide S.O. No.1890 dated 23-4-85 under Section 3(1) of the Petroleum & Mineral pipeline (Acquisition of right of user in land) Act 1962 in the Government Gazette of India part II Section 3 sub-section (ii) dated 4-5-85 the following survey number are added in the schedule and shall be deemed to have been added in it from inception.

SCHEDULE

Pipeline from Bijaipur (M.P.) to Sawai Madhopur

State : Rajasthan Distt. : Kota Tehsil : Pipalada

Village	Survey No.	Hec-tare	Are	Cen-tiare
1	2	3	4	5
Itawa	1224	0	02	48
	1225	0	01	58
	1226	0	02	78

[No. O-14016/293/85-G.P.]

शुद्धि पत्र

का. आ. 3705.—भारत सरकार पेट्रोलियम मंत्रालय की अधिसूचना नं. 14016/342/85 जी. पी. जो कि का. आ. सं. 2326 दिनांक 18-5-85 द्वारा पेट्रोलियम एवं खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 की धारा 3 (1) के अन्तर्गत भारत सरकार के गजट भाग 2 खंड 3 उपखंड (ii) में दिनांक 1-6-85 को प्रकाशित हुआ है, कि अनुसूची में निम्नलिखित नम्बर जोड़े जाते हैं एवं यह समझा जायेगा कि सर्वे नम्बर प्रारम्भ से ही इसमें जोड़े गये हैं।

अनुसूची

विजयपुर (म. प्र.) से सवाई माधोपुर तक पाइप लाइन बिछाने के लिए

राज्य : राजस्थान जिला : कोटा तहसील : पोपल्दा

गांव	खसरा नं.	हेक्टर	आर	से. आर
1	2	3	4	5
रामपुरा	595	0	02	05
	436	0	16	20

[सं. O-14016/342/85-जी. पी.]

CORRIGENDUM

S.O. 3705.—In the Government of India Ministry of Petroleum notification No. 14016/342/85-G.P. Published vide S.O. No. 2326 dated 18-5-85 under Section 3(1) of the Petroleum & Mineral pipeline (Acquisition of right of user in land) Act 1962 in the Government Gazette of India part II Section 3 sub-section (ii) dated 1-6-85 the following survey numbers are added in the schedule and shall be deemed to have been added in it from inception.

SCHEDULE

Pipeline from Bijaypur (M.P.) to sawai Madhopur

State : Rajasthan Distt. : Kota Tehsil : Pipolada

Village	Survey No.	Hec-tare	Are	Cen-tiare
1	2	3	4	5
Rampura	595	0	02	05
	436	0	16	20

No. O-14016/342/85-G.

नई दिल्ली, 24 जुलाई, 1985

अधिसूचना

का. आ. 3706.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डब्ल्यू. एस. एस. बी. से रेलवे क्रासिंग तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

डब्ल्यू. एस. एस. बी. से रेलवे क्रासिंग तक पाइपलाइन बिछाने के लिए ।

राज्य—गुजरात जिला व तालुका—मेहसाणा

गांव	स. नं.	हेक्टेअर	एआरई	सेंटिअर
हेडवा-हणमंत	241	0	07	00
	231	0	14	64
	230	0	10	44

[सं. O-12016/96/85-ओ. एन. जी. डी.-4]

New Delhi, the 24th July, 1985

NOTIFICATION

S.O. 3706.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from WSSB to Rly. Crossing in Gujarat State Pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from WSSB to Railway Crossing

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hectare	Are	Centiare
Heduva-hanumant	241	0	07	00
	231	0	14	64
	230	0	10	44

[No. O-12016/96/85-ONGD-4]

का. आ. 3707.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जुटाना-4 से जे. एन. ओ. तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत न हो या किसी विधि व्यवसायी की मार्फत ।

[सं. ओ-12016/95/85-ओ. एन. जी. डी.-4]

पी०के० राजगोपालन, डैस्क आफिसर

अनुसूची

जुटाना 4 से जे. एन. ओ. तक पाइप लाइन बिछाने के लिये ।

राज्य : गुजरात जिला और तालुका : मेहसाणा

गांव	ब्लाक नं.	हेक्टेयर	एआरई	सेंटिअर
मांकणज	1261	0	08	30
	1262	0	07	10
	1265	0	01	00
	1264	0	05	40
	1263	0	05	40
	1266	0	01	30
	1259	0	02	40
	1258	0	09	30
	1255	0	11	00
	1252	0	20	30
	1251	0	04	70
	1229	0	05	40
	1100	0	07	30
	1229	0	05	40

S.O. 3707.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Jotana-4 to JNO in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009.)

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from Jotana—4 to JNO

State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hectare	Are	Centiare
Manknaj	1261	0	08	30
	1262	0	07	10
	1265	0	01	00
	1264	0	05	40
	1263	0	05	40
	1266	0	01	30
	1259	0	02	40
	1258	0	09	30
	1255	0	11	00
	1252	0	20	30
	1251	0	04	70
	1229	0	05	40
	1100	0	07	10
	1229	0	05	40

[No. O-12016/95/85-ONGD-4]

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 16 जुलाई, 1985

शुद्धि-पत्र

का०आ० 3708 :— भारत के राजपत्र के भाग 2 खण्ड 3, उप खण्ड (ii) में 26 जनवरी, 1985 को प्रकाशित भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की 11 जनवरी, 1985 की अधिसूचना संख्या का. आ. 314 के पृष्ठ 307 पर—(1) तीसरी और चौथी पंक्ति में "डा. अरूण कुमार मुखर्जी" के स्थान पर "डा. असीम कुमार मुखर्जी" पढ़ें, और (2) सोलहवीं पंक्ति में क्रम संख्या 53 के सामने "डा. अरुण कुमार मुखर्जी" के स्थान पर "डा. असीम कुमार मुखर्जी" पढ़ें।

[सं० डी०-11013/22/83-एम० ई० (पी)]

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 16th July, 1985

CORRIGENDA

S.O. 3708.—In the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) No. S.O. 314, dated the 11th January, 1985, published in Part II, Section 3, Sub-Section (ii) of the Gazette of India, dated the 26th January, 1985 at page 307; (1) in lines 3 and 4, for "Dr. Arun Kumar Mukherji" read "Dr. Asim Kumar Mukherji"; (2) in line 16, against S. No. 53, for "Dr. Arun Kumar Mukherji", read "Dr. Asim Kumar Mukherji".

[No. V-11013|22|83-ME(P)]

नई दिल्ली, 19 जुलाई, 1985

का. आ. 3709.—यतः भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खण्ड (क) के अनुसरण में और महाराष्ट्र राज्य सरकार के साथ परामर्श करके केन्द्रीय सरकार ने डा. राम चन्द्र किसन दास मेंडा, अमरचन्द्र मेंशन, मेडम कामा रोड, बम्बई को 30 अप्रैल, 1990 जिसमें यह तारीख शामिल है, तक की और अवधि के लिए भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में नामित किया है।

अतः अब उक्त अधिनियम की धारा (3) की उप-धारा (1) के अनुसरण में केन्द्रीय सरकार भूतपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या का. आ. 138 में एतद्द्वारा आगे और निम्नलिखित संशोधन करती है, अर्थात :—

उक्त अधिसूचना में "धारा 3 की उप धारा (1) के खण्ड (क) के अधीन नामित" शीर्ष के नीचे क्रम संख्या 5 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टि प्रतिस्थापित की जाये, अर्थात :—

"5. डा. रामचन्द्र किसनदास मेंडा, एफ. आर. सी एस.
अमरचन्द्र मेंशन, मेडम कामा रोड,
बम्बई (महाराष्ट्र)"

[सं० डी०-11013/7/85-एम० ई० (पी)]

New Delhi, the 19th July, 1985

S.O. 3709.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the State Government of Maharashtra have decided to nominate Dr. Ramchand Kisandas Menda, Amarchand Mansion, Madame Cama Road, Bombay to be a member of the Medical Council of India for a further term upto and inclusive of the 30th April, 1990;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notificaton of the erstwhile Ministry of Health No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading "Nominated under clause (a) of sub-section (1) of section 3", for serial number 5 and the entry relating thereto, the following serial number and entry shall be substituted,, namely :—

"5. Dr. Ramchand Kisandas Menda, FRCS, Amarchand Mansion, Madame Cama Road, Bombay (Maharashtra)."

[No. V. 11013|7|85-ME(Policy)]

का. आ. 3710.—यत : भारतीय आयुर्विज्ञान परिषद अधिनियम 1956 (1956 का 102) की धारा 3 की उप धारा (1) के खण्ड (ख) के उपबन्ध के अनुसरण में बोर्ड आफ यूनिवर्सिटी आफ दिल्ली ने प्रोफेसर के. एन. जमा को 14 जुलाई, 1985 से भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में निर्वाचित किया है।

अतः अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा पूर्ववर्ती स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या आर 5-13/59 एम-1 में निम्नलिखित संशोधन करती है, अर्थात्

उक्त अधिसूचना में धारा 3 (1) (ख) के अधीन "निर्वाचित" शीर्ष के अन्तर्गत क्रम संख्या 21 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएं, अर्थात्:—

"21 प्रोफेसर के. एन. शर्मा,
प्रधानाचार्य
यूनिवर्सिटी कालेज आफ
मेडिकल साईंसेज
रिंग रोड, नई दिल्ली।

[सं. वी. 11013/4/85 एम. ई. (पी.)]

चन्द्र भान, अवर सचिव

S.O. 3710.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Professor K. N. Sharma has been elected by the Court of University of Delhi to be a member of the Medical Council of India with effect from the 14th July, 1985;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendment in the notification of the late Ministry of Health No. 5-13|59-MI, dated the 9th January, 1960, namely :—

In the said notification, under the heading "Elected under section 3(1)(b)", for serial number 21 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

"21. Professor K. N, Sharma,
Principal, University College
of Medical Sciences, Ring Road,
New Delhi."

[No. V.11013|8|85-ME(P)]
CHANDER BHAN, Under Secy.

युवा कार्य और खेल विभाग

नई दिल्ली, 17 जुलाई, 1985

का०आ० 3711.—इस विभाग की यथा संशोधित दिनांक 13 जून, 1983 की समसंख्यक अधिसूचना का एतद्द्वारा निम्नलिखित और आंशिक संशोधन किया गया है :—

"सदस्यों की सूची में क्र. सं. 3 पर वित्त सलाहकार, खेल विभाग के स्थान पर वित्त सलाहकार, युवा कार्य और खेल विभाग—श्रीमती तारा बाई एस. कुट्टी" प्रतिस्थापित किया जाए।

[संख्या एफ. 13-1/81-डी-1(खेल)]

आर. एन. गुप्ता, उप सचिव

DEPARTMENT OF YOUTH AFFAIRS AND SPORTS

New Delhi, the 17th July, 1985

S.O. 3711.—This Department's notification of even number dated 13th June, 1983 as modified is hereby further partially modified as follow :

"In the list of members at S. No. 3, Financial Adviser, Department of Sports may be substituted by "Financial Adviser, Department of Youth Affairs and Sports—Smt. Tara Bai S. Kutty."

[F. 13—1|81-D.I(SP)]
R. N. GUPTA, Dy. Secy.

श्रम मंत्रालय

नई दिल्ली, 28 जून, 1985

का. आ. 3712.—मैसर्स दी सुदियालूर कोपरेटिव एग्रीकल्चरल सर्विसिज लिमिटेड, सुदियालूर, डाकघर कोयम्बटूर—641034 (टी. एन./6326) (जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिये जाने के लिये आवेदन किया है ;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिदाय या प्रीमियम का संदाय किये बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिये ये फायदे उन फायदों से अधिक अनुकूल हैं, जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम 1976 (जिसे इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं ;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को तीन वर्ष की अवधि के लिये उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त तमिल नाडु को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिये ऐसी सुविधायें प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय लेखाओं का अंतरण, निरीक्षण प्रभारों संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जायेगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाये, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दत्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा

जिससे कि कर्मचारियों के लिये सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय है।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेय होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/ नामनिर्देशिती को प्रतिकर के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त तमिलनाडु के पूर्व अनुमोदन के बिना नहीं किया जायेगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं; तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्ययगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किये गये किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अंतर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम उसके हकदार नामनिर्देशितियों/ विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में सभी पहलुओं में पूरे किये गये दावों के प्राप्त होने के एक माह के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/169/ 85 एस. एस. 4)]

MINISTRY OF LABOUR

New Delhi, the 28th June, 1985

S.O. 3712.—Whereas Messrs The Tudiyalur Co-operative Agricultural Services Limited, Tudiyalur P.O. Coimbatore-641034 (TN|6326) (hereinafter referred to as the said establishment) have applied for exemption under sub-section 2(A) of Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952) hereinafter referred to as the said Act;

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Tamil Nadu, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under sub-section(3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir|nominee of the employees as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Tamil Nadu and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee|legal

heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S. 35014|169|85-SS. IV]

नई दिल्ली, 25 जुलाई, 1985

का. आ. 3713.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कोइरलाप इंडस्ट्रीज प्राइवेट लिमिटेड, कुन्नाम, मावेलीकारा-690108, मावेलीकारा गांव एवं ताल्लुक, ऐल्लीप्पी कस्बा नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहियें।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा-4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस. 35019/305/85 एस एस. 2]

New Delhi, the 25th July, 1985

S.O. 3713.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Koirlap Industries Private Limited Kunnam, Mavelikara-690108, Mavelikara Village & Taluk, Alleppey District have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(305)|85-SS.II]

का. आ. 3714.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इन्डो एशियन फ्यूजगियर प्राइवेट लिमिटेड, मुरथाल, जिला सोनीपत इसका पंजीकृत कार्यालय 207-208, हेमकुंड टावर, 98, नेहरू प्लेस, नई दिल्ली-110019 और क्षेत्रीय कार्यालय जालन्धर, बम्बई, कलकत्ता और मद्रास शामिल हैं नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहियें।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा-1 की उपधारा-4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/304/85-एस. एस. -2]

S.O. 3714.—Whereas it appears to the Central Government that the employer and the majority of the employees, in relation to the establishment known as Messrs. Indo Asian Fusegear Private Limited, Murthal, District Sonepat including its registered office at 207-208. Hemkunt Tower, 98 Nehru Place, N. Delhi-110019 and Regional Offices at Jalandhar, Calcutta, Bombay and Madras, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore in exercise of the powers conferred by sub-Section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(304)|85-SS-II]

का. आ. 3715.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कलकत्ता पोर्ट वाचमन पूल, 7, कलकत्ता जेटी, स्ट्रैंड रोड, कलकत्ता-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहियें।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा-1 की उपधारा-4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35017/78/-85-एस एस.-2]
ए. के. भट्टाराई, अवर सचिव

S.O. 3715.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Calcutta Port Watchmen Pool, 7, Calcutta Jetty, Strand Road, Calcutta-1. have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-Section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(78)|85-SS.-II]
A. K. BHATTA RAI, Under Secy.

नई दिल्ली, 10 जुलाई, 1985

का. आ. 3716.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैनेजमेन्ट आफ एयर इंडिया के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3 जुलाई को प्राप्त हुआ था।

New Delhi, the 10th July, 1985

S.O. 3716.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Air India and their workmen, which was received by the Central Government on the 3rd July, 1985.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Dr. Justice R. D. Tulpule Esqr. Presiding Officer.
Reference No. CGIT-3 of 1980

PARTIES :

Employers in relation to Air-India and their workmen.

APPEARANCES :

For the employer—Mr. Kaka, Advocate.

For the workmen—Mr. Dudhia, Advocate.

INDUSTRY : Airlines STATE : Maharashtra

Bombay, the 26th day of April, 1985

AWARD PART-I

The following is the schedule to the reference in this case under Section 10 sub-section 1(d).

SCHEDULE

(1) whether demand Nos. 2—14 made by the Air-India Employees Guild, Bombay in their charter of demands dated 4-6-1973 (Annexure I) are justified keeping in view the Settlement reached by the ACEU and IATA with Air-India Management in 1974. If so, to what relief are the workmen entitled ?

(2) whether partial closure declared by the Air-India from August, 1974 under the Air-India Employees Service Regulations is legal and justified ? If not, to what relief are the affected workmen entitled ?

(3) whether demand of the workers for payment of Bonus @ 20% for the years 1971-72, 72-73 and 1973-74 is justified ? If so, to what relief are the workmen entitled ?

2. Of these, we are at present concerned only with first item of reference, i.e. whether demands Nos. 2 to 14 of the Air-India Employees Guild are justified. In view of the settlement with the ACEU and IATA reached by the Air-India management in 1974, and if they are justified, then the relief to which the workmen would be entitled.

3. Demands Nos. 2 to 14 are listed in the charter of demands and relates to a demand for wage scales and revision of wage scales to certain ctegories of technical and non-technical employees. Non-technical employees are Assistant Cooks, Canteen Vendors, Chowkidars, etc., Technical employees are in grades 1—6, 7, 9, 10 and some from 11, 12 and 13 and 14, while non-technical categories are in grades, 6, 8, and some categories from 11, 13. It appears that this charter of demands was made as early as on 4th June, 1973 The Central Government, however refused to make a reference in the matter. It was then taken up in writ petition in the High Court of Bombay, which by its judgement in Misc. Writ Petition No. 892 of 1976, directed the Central Government to consider the question of making a reference. Thereafter the present reference was made on 3rd September, 1980, and thereafter registered as Central Government Industrial Tribunal Reference No. 3 of 1980. The categories of employees in this reference and in respect of whose wage scales and other demands, the claim was made and the charter presented were in existence all over the country wherever Air-India was operating, such as places like Delhi, Calcutta and Madras. The Central Government thought it fit to make a reference only to Central Government Industrial Tribunal and not to National Industrial Tribunal, leading to some difficulties, which it is not necessary to be dealt with at this stage.

4. To this reference, the Air-India Employees Guild alone was the party. At a later stage, another union, Air Corporations Employees' Union (hereinafter referred to as 'ACEU) applied for permision to be joined as parties. An order was passed on 1st July, 1981 by the then Presiding Officer of the Central Government Industrial Tribunal, Justice C. T. Dighe, impleading the said union and directed it to file its statement of claim.

5. Before the order of reference in this case, another reference was made to this National Industrial Tribunal on the 29th of January, 1980, which was registered as National Tribunal Reference No. 1 of 1980. That was also covering certain technical and non-technical categories in the Transport Section and other sections which was also represented by the Air-India Employees Guild, hereinafter referred to as Guild. This National Tribunal reference, reference No. 1 of 1980 was a reference under Section 10 sub-section 2 of the Industrial Disputes Act, and was made on 29-1-1980.

6. While these two reference were thus pending on 20th May, 1981 on behalf of the Guild, an application was moved praying that the two references be proceeded separately. It may be mentioned first that both the references were dealt with by the same Presiding Officer, Justice C. T. Dighe. It was contended as one of the ground that the references are separate in nature and content and that they should not be linked together. Besides the reference No. CGIT-3 of 1980 is a larger reference and only a part of the demands are referred in NTB reference No. 1 of 1980. It was then pointed out that NTB-1 of 1980 mainly deals with pay-scales of non-technical employees and a few technical categories, while CGIT-3 of 1980 deals with all technical and non-technical employees. That reference No. CGIT-3 of 1980 also requires adjudication of demand of bonus for the years 1971/72, 1972-73 and 1973/74. That the 1973 demands relate to revision of pay-scales, etc. and therefore, that should be decided first. Prayer, therefore, was that the two reference be delinked and that CGIT-3 of 1980 should be decided first and NTB-1 of 1980 should be postponed and decision thereon deferred till reference CGIT-3 of 1980 was decided.

7. In an order passed on the 11th August, 1981, Justice C. T. Dighe, compared the terms of two reference and in particular the schedule of reference in NTB-1 of 1980 and the first item in the schedule of reference in CGIT-3 of 1980. He pointed out that it was the contention of the Guild that CGIT-3 of 1980 is a wider reference, and seeks adjudicaion with regard to pay-scales, etc. which is not a demand in NTB-1 of 1980. Besides CGIT-3 of 1980 also calls for adjudication of the bonus demand, (which should not be deferred). The learned judge pointed out that these demands were forwarded by the Guild on 4th June, 1973. In the mean time, in August, 1974, a settlement was reached with the ACEU. That the Guild's demand also included the demand for revision of the dearness allowance, which was demand No. 1, but that has not been included in the reference made to the CGIT in reference No. 3 of 1980, but only items No. 2 to 14 are included. The learned judge then compared the demands as well as the categories of technical as well as non-technical workmen who were concerned in CGIT-3 of 1980 and NTB-1 of 1980 and came to the conclusion that "the demands of the year 1980 are a further improvement in terms of benefits to the employees." He pointed out that the demand with regard to ex-servicemen was not included NTB-3 of 1980. The 1978 demands results in a subsequent settlement in 1979. The Learned Judge, therefore, thought that while considering what should be the pay-scales or what should be the relief, "in terms of the settlement with the Union, it will have to be necessarily seen as to what should have been the wage-scales for the other earlier years also." In other words, he opined that if one has to consider what were the wage-scales demanded or ultimately agreed in 1978-79, then the discussion thereto might involve discussion also of what they should have been for an earlier period, say from 1973 onwards, in which year, the Guild's charter of demands was raised. He therefore, held that since the National Tribunal has a wider jurisdiction, it is that reference, and it is there that these itmes "should be discussed in that reference so that the relevent conclusions could be adopted for the decision on item No. 1 in Reference No. CGIT-3 of 1980." In other words, he held that National Tribunal, Reference should be decided and dealt with first and whatever conclusions which may be reached in that behalf with regard to pay-scales, would automatically decide demand No. 1 and would become conclusions with regard to demand, No. 1, in CGIT-3 of 1980. He then pointed out that items No. 2 and 3 will have to be dealt with separtely and they can not be combined. He therefore, directed that National Tribunal reference No. 1 of 1980 should be taken in hand first and decided. The procedure directed was to "hear the common items in one stage and to hear the other items in another stage so that the conclusions reached on the items common in both the reference could be given by way of common decision."

8. Having directed that NTB-1 of 1980 should be taken up in hand first, he further opined that "CGIT-3 of 1980 would be automatically disposed of" except, of course, with regard to item left over for discussion and decision. he order of the 11th August, 1981 therefore, clearly held and directed that whatever conclusions may be reached with regard to National Tribunal reference No. 1 of 1980, involving consideration of the charter of demands raised by the Guild specified in Annexure B to that reference dated 29-1-1980 would be automatically conclusions with regard to demands No. 2 to 14 which were the subject-matter of adjudication in CGIT-3 of 1980. It may be mentioned at the risk of repetition that National Tribunal reference No. 1 of 1980 required the Tribunal to consider the package offer made by the Air-India management in respect of technical and non-technical categories of workmen and the demands made then by the Guild in annexure B and what relief the workmen were entitled to in that context. CGIT-3 of 1980 required the Tribunal to consider whether the demands

No. 2 to 14 which related to allowances and revision of pay-scales of technical and non-technical categories raised were justified of otherwise in view of the settlement with ACEU and IATA in 1974.

9. After this order was passed, immediately thereafter, the management of Air-India, filed another application on the 25th of August, 1981 saying that the settlements entered into by the management with ACEU on the 29th August, 1974 and 13th October, 1975 and with IATA on 9th January, 1976 are just and reasonable and are in the interest of the workmen, and the workmen have accepted the benefits under the said settlements, and have received them and are still continuing to receive them. There has been an increase in the total wage bill of categories of workmen. The settlement provided for payment of additional dearness allowance linked with cost of living index and also for grant of house rent allowance, and hence the Tribunal should proceed to make an award in terms of the settlement of the 29th August, 1974 and 13th October 1975 with ACEU and of 9th January 1976 with IATA. It may be mentioned that item no. 1 in the schedule of reference CGIT-3 of 1980 required the Tribunal to consider only the 1974 settlement reached with ACEU and IATA. In the circumstances, therefore, there does not seen to be any settlement of the IATA in the year 1974 and the reference to it in item No. 1 of schedule appears to be an error. The evidence in the record goes to show that there was only one 1974 settlement and that too with ACEU.

10. The Guild, therefore, properly resisted this application and contended that making any reference to the October, 1975 settlement would be outside the terms of reference. That these settlements were arrived at in an indecent hurry and were malafide. The union, ACEU, then did not enjoy any majority among the workmen which had also not been recognised as recognised bargaining representative union by the management. Its recongnition had already lapsed. The process for recognition and for the purpose, the finding out as to which trade union enjoyed the support of the majority workmen, proceedings were going on. The management entered into a settlement with the ACEU in these circumstances. This, according to the Guild was an unfair labour practice. The settlements were short-term and were in the nature of ad hoc arrangements, and entered into with a view to weaken the Guild and boost the morale of the ACEU. The negotiations with the union were made secretly and without the Guild coming to know about them. This settlement, according to it, was not binding. They were not in conciliation proceedings and were binding only upon the members of the union and the IATA. Wages scales in the Air-India, were not revised since 1966, and thus these settlements cannot be termed as wage revision settlements, and therefore did not deal with the demands raised by the Guild. Besides, it also pointed out that merely because similar settlements were accepted in the Indian Airlines, they should not be accepted and made the award for Air-India in this reference. The settlements were not fair, just and in the interest of the workmen and the payment were not received under the settlements or in terms of the settlements, and the workmen were not bound by them. It therefore contended that the reference must be heard on merits and an award given after dealing with all the demands.

11. It appears then that the National Tribunal reference No. NTB-1 of 1980 was being proceeded with, while this reference No. NTB-3 of 1980 was side-tracked. On the 10th of April, 1984 another application came to be made by the management of Air-India, which was followed later by a third application dated the 21st of December, 1984. It is these three applications and in particular, the application dated 10th of April, 1984 and the one of 21st December 1984, in the light of the earlier application filed by Air-India on 25th of August, 1981 and the order passed by Justice Dighe, dated 11th August, 1981 and the subsequent judgement and award delivered by Justice Kambli on 21st of April, 1983 in National Tribunal reference of NTB-1 of 1980, which have come up prominently and particularly for decision and consideration.

12. I have already referred to the application dated the 25th August, 1981, asking for an award in terms of settlements of August, 1974, October, 1975 and January, 1976. Thereafter, on 21st April, 1983, an award came to be made in the National Tribunal reference No.1 of 1980. By that award, the package offer made by the Air-India management, which resulted in a subsequent settlement of February, 1979 was accepted by the Tribunal and was held to be fair, just and reasonable. In that award it was held that the Guild and the workmen represented by it were not entitled to any relief. It was also held neither Guild nor the ACEU have succeeded in proving that they were majority unions on 2-2-1979 the date of settlement. It was also held that the majority of the workmen have accepted the settlement as well as the dues.

13. It is upon this decision, that the two applications dated 10th of April, 1984 and the 21st of December, 1984 came to be filed. The 10th April, 1984 application specifically prayed as directed earlier on the 11th August, 1981 by Justice Dighe that "relevant conclusions reached in NTB-1 of 1980" should be adopted with regard to Item No. 1 of CGIT-3 of 1980 and to that extent reference CGIT-3 of 1980 be held to be not surviving and proceedings taken up only wih regards to items No. 2 and 3 and the item of ex-servicemen left out in the original order of 11th August, 1981. By the subsequent application dated 21st December, 1984, the management further pointed out that the Guild had preferred a special leave petition against the award in NTB-1 of 1980 to the Supreme Court, which petition had been rejected. Award therefore, having become final, conclusions reached in reference NTB-1 of 1980 and the award made thereunder be adopted with regard to item No. 1 in reference No. CGIT-3 of 1980.

14. These applications were stoutly and vehemently resisted by the Guild. It did not file its detailed submissions in reply to the application filed on 10th April, 1984, but filed a reply to the application dated 21st of December, 1984, on 25-1-1985. It's contention was that the terms of reference in CGIT-3 of 1980 and NTB-1 of 1980 with regard to item 1 of CGIT-3 differed materially. Accordingly to it, the merits of the demand at item No.1 in CGIT-3 of 1980 have not been gone into in the award in NTB-1 of 1980. That will have to be gone into and an award made on merits. Further it was its contention that the award in reference No. 1 of 1980 should be made effective from 1st of April, 1974 and that there are other demands such as scales of pay, fitnent, date of operation of payscales in reference No. 3 of 1980 which have not been adjudicated will have to be adjudicated. Besides, it was also its contention that in view of the terms of reference in CGIT-3 of 1980, which referred to the settlement only of 1974 "it is not open to the parties to make submission beyond the terms of the reference." and presumably have a decision on the reference with reference to subsequent settlements.

15. The question, therefore, which required to be decided in these present applications is whether in view of the orders passtd on 11th August, 1981, directing that the conclusions reached in National Tribunal reference No. 1 of 1980 should be adopted for decision in item-1 of demands 2 to 14 of CGIT-3 of 1980 and in view of the award made in NTB-1 of 1980, they survive for consideration, and if so, which of them. It may be mentioned that the stand taken by the parties is diametrically opposite to each other. According to the Air-India management, none of these demands 2 to 14 survive for consideration, in view of the acceptance of the settlement dated 2nd February, 1979 and holding it to be fair, just and reasonable by the National Tribunal in reference No. 1 of 1980 and accepted by an overwhelming majority of the workmen. On the other hand, it is the contention of the Guild, that the terms of reference CGIT-3 of 1980 preclude from consideration, any other settlement, except the one of 1974, and that the orders passed on 11th August, 1981 and the award made on the 21st of April, 1983 do not decide all aspects of the demands or all the demands from 2 to 14 made by the Guild in the year 1973.

16. I shall presently advert to these contentions of the Guild a little more elaborately. But it is necessary at this stage and before proceeding further to consider the charter of demands of 1973, which is the subject matter of this reference Item No. 1 and the charter of demands submitted by the Guild in 1979, which were the subject matter of National Tribunal reference No. 1 of 1980 It may be mentioned that the package was accepted and a settlement ensued on that package offer of the Air-India on 2nd February, 1979 between Air-India and the ACEU, the demands of the Guild, which are Annexure B to the National Tribunal Refe-

rence 1 of 1980 were made on 30th January, 1979. The package offer made by the Air-India has also to be considered side by side, since the National Tribunal reference No. 1 of 1980 required examination of that package offer in the light of the charter of demands made by the Guild dated 30th January, 1979. I have already pointed out that the package offer resulted subsequently in an acceptance and settlement dated 2nd February, 1979. In the annexure to National Tribunal reference 1 of 1980 (Annexure-C), the categories of technical and nonn-technical workmen are mentioned.

17. Now if we see the schedule in annexure 1 to this reference, it will be seen that they refer to 14 categories of workmen, in the following existing grades.

1. Rs. 100-5-150-10-190.
2. Rs. 130-5-150-10-200-15-230 & Rs. 100-5-150-10-190.
3. Rs. 150-10-200-15-230.
4. Rs. 150-10-200-15-245-20-285.
5. Rs. 150-10-200-15-245-20-345.
6. Rs. 150-10-200-15-245-20-385-25-560-40-640.
7. Rs. 200-15-245-20-385-25-560-40-640.
8. Rs. 230-25-245-20-385-25-435.
9. Rs. 245-20-385-25-560-40-640.
10. Rs. 385-25-560-40-720-50-770.
11. Rs. 385-25-560-40-720.
12.
13. Rs. 435-25-560-40-720.
14. Rs. 640-40-720-50-1170.

18. A glance at annexure C and Annexure A of NTB-1 of 1980 will show that all these existing scales cover the categories of workmen, which are the subject matter of the demands which are in annexure 1 of this reference.

19. The package offer at annexure A, it will be seen, similarly deals with only these existing scales and offers revised scales by the Air-India to these workmen in these scales broadly speaking in grades 1 to 14. Annexure C will also go to show that they are in grade 10+4=14.

20. It is now necessary to revert to the charter of demands (Annexure-B) dated 20-1-1979 and Annexure 1, charter of demands of June, 1973. Having dealt with the existing scales and proposed or revised scales as above the other demands, which appear in both the charters of demands are as under:-

Demand appearing in Charter of demands dt. 4-6-1973 (Annexure I to the CGIT-3 of 1980)	Corresponding Sl. No. of the demand Charter of demands dated 30th January 1979 (Annexure B to NTB-1 of 1980)
1	2
4. Outstation posting and allowances	Sl. No. 18
5. Promotions and recruitment	Sl. No. 2
7. Housing loans for Housing and House Rent Allowance	Sl. No. 5
8. Leave facilities	Sl. No. 21 (only privelege leave Casual Leave and Sick Leave not mentioned).
9. Medical benefits	Sl. No. 30
10. Travel benefits	Sl. No. 22
11. Insurance	Sl. No. 27
14. Interim Relief	Sl. No. 1

21. It will thus be seen that of the demands in Annexure 1 were covered and were made the subject of demands in Annexure B submitted on 30th January, 1979 and some more demands also. It is against this background and in this light that we have to consider the order passed by Justice Dighe, on 11th August, 1981.

22. When that order was passed, what was before the court was only the charter of demands dated 30th January, 1979 and the package offer, Annexures A & B to the National Tribunal reference 1 of 1980 as also the demands of 1973. It is also significant and material to note that though the settlement dated 2nd February, 1979 had already been reached, the terms of reference to the National Tribunal did not required that Tribunal to adjudicate upon the justness, fairness or reasonableness of that settlement. That settlement was not a settlement in conciliation, but was only a Section 2(p) settlement, which would have been ordinerily binding between the parties to the settlement. It was only a subsequent event which led the National Tribunal to come to the conclusion in its award on 21st April, 1983 accepting that settlement as fair, just and reasonable. I will revert to that situation and the facts a little later. It is sufficient to state, however, at this stage that the justness, fairness and reasonableness of the settlement was not a subject of issue raised either by the management of Air-India or by the ACEU, when orders dated 11th August 1981 were passed by Justice Dighe. An application for making an award in terms of the settlement was actually pending before the National Tribunal having been filed on 6th March, 1981. But for reasons which it is difficult to know the contention and consideration of that aspect of the matter does not seem to have been pressed before the Tribunal or occurred to the parties.

23. Reverting to the order dated 11th August, 1981 once again, it will be seen that the learned judge compared a tabulated statement which was put before him and found that the difference between the demands of 1973 and 1979 (mistakenly typed as 1978) is that they are an improvement upon the earlier demands of 1973. That tabulated statement was also produced before me and that is a Exhibit E-27, Besides, as was also pointed out, the exsting wage scales which were sought to be revised and in respect of each, a package offer was given which I have already extracted above and can be seen, were also required to be considered. In that view of the matter, it seems to me that the order dated 11th August, 1981 is clearly justified. The learned judge then in separating and taking out the subject of ex-servicemen from the set of demands in item 1 and also disposing off the absence of fitment was also justified.

24. The operative part of the order, therefore, was that "it looks proper that the items should be discussed in that reference so that the relevant conclusions could be adopted for the decision on item No. 1 in reference No. CGIT-3 of 1980." This was made once again clear in paragraph 7 of the order, by saying "so that the conclusions reached on the items common in both the references could be given by way of common decision." Having therefore, already held that the demands in the charter of June 1973 (Annexure B of NTB-1 of 1980) could be adopted as decicharter of 30th January 1979 (Annexure B to MTB-1 of 1980) are mostly identical, and having further held that in the circumstances the National Tribunal reference should be heard and decided first so that the conclusions reached in that reference in respect of charter of demands of 1979 (Annexure B of TB-1 of 1980) could be adopted as decisions in regard to demands 2 to 14 of the charter of demands of 1973 (Annexure I to CGIT-3 of 1980) it has to be seen how and what extent those decisions apply and will be conclusions in this reference. It seems to me clear that the Tribunal having at one stage ruled that those conclusions in NTB 1 of 1980 will be conclusions in CGIT-3 of 1980 with regard to demands 2 to 14 in item 1 there is no escape and it will not be permissible, I am afraid, except to the extent excluded, to embark upon any inquiry in tha behalf.

25. We may now go to he next sage in the matter and that is the award made by the National Tribunal in Reference No. NTB-1 of 1980. That award was made on 21st of April, 1983 and held, on the basis of the applications filed by the Air-India Corporation on 6th March, 1981 that the majority of the workmen have accepted the settlement between the management and the ACEU. They having received the payment and in view of the settlement between the Indian Airlines and ACEU on 9th January 1979, the Tribunal directed that award be made in terms of the package offer

in that reference which resulted in its acceptance and settlement of 1979. The learned Tribunal then went into the question it also held that the settlement of 2nd February, 1979 was just fair and reasonable and also that it was accepted by the majority of the workmen. The Tribunal therefore proceeded to make an award in terms of the settlement which in turn was nothing else, but the package offer The Tribunal observed that "the ACEU settlement is just and fair and an award should be passed in terms thereof."

26. In other words therefore, the Tribunal held, as I shall point out with reference to the particular items in the pacakage offer that the wage scales proposed and set out at item 1 in annexure-A to the Award which covers the workmen in grades 1 to 14, technical as well as non-technical, will come into operation from 1-4-1978. They would also be cutitled to, as directed therein to city compensatory allowance, licence fee, productivity allowance, computer allowance, etc. with marginal adjustment to the technical categories, washing allowance and so on. The following important provisions in the package offer and settlement require to be particularly noticed.

"2. In view of the merger of the existing D.A. and A.D.A. (1974) with the basic pay in the above scales of pay, D.A. and A.D.A. (1974) will cease to be paid to the workmen."

"3. The revised scale of Rs. 320—910 equivalent to the existing scale of pay of Rs. 150—640 applicable to the non-technical categories will stnad abolished from 1-1-1979. In its place, the following revised scales of pay will be introduced :—

(i) The scale of pay of Rs. 320—575 in respect of Assistants and other clerical categories in non-technical cadres.

(ii) The scale of pay of Rs. 525—910 in respect of Senior Assistants and Senior Typists etc. in all clerical categories in the non-technical cadres.

Subject to the availability of vacancies only such workmen who have completed 10 years of continuous service in the grade of Rs. 325—575 and 4 years continuous service in the same grade by the workmen who started on basic salary of Rs. 230 in the existing scale of Rs. 150—640 equivalent to Rs. 405 in the revised scale of Rs. 320—575 would be cligible for consideration for promotion to the grade of Rs. 525—910 on the basis of promotion policy in vogue from time to time. Where, however, any of the existing workmen i.e, workmen employed prior to 1-1-1979 do not get promoted to the scale of pay of Rs. 525—910 on the basis of this understanding, they will continue in the revised scale of pay of Rs. 320—910 which will be personal to them."

"4. Fitment.—The existing basic pay fixed Dearness Allowance and A.D.A. (1974) will be added up and if the total so arrived at coincides with a stage in the revised scale of pay, the workmen will be fitted in that stage in the revised scale. In case the total so arrived at does not coincide with the stage in the revised scale of pay, the workmen will be fitted in the next higher stage in the corresponding revised pay scale. The following examples will illustrate this formula:

Example;—Existing basic pay Rs. 130 scale of pay Rs. 100-190 Existing

D.A.	Rs. 65
A.D.A.	Rs 90
Total	Rs. 285

Fitment in the corresponding

Revised Scale Rs. 290 Rs. 250-360 revised.

(Since there is no stage of Rs. 285|- in the revised scale, the fitment has been done at Rs. 290|- which is next higher stage in the scale).

Example 2:—Existing Basic Pay Rs. 325 Rs. 150-640 Existing

D.A.	Rs. 80
A.D.A.	Rs. 120
Total	Rs. 525

Fitment in the revised Scale Rs. 525 Rs. 320-575. Revised (Since the stage of Rs. 525|- exists in the revised scale of pay, the fitment has been done at this stage).

"10. Variable Dearness Allowance (A.D.A. 1975); Variable Dearness Allowance will count for the purpose of Provident Fund and calculation of Special Allowance. The terms and conditions of payment of Special Allowance will remain unchanged. This Allowance will not count for the purpose of payment of House Rent Allowance or any other purpose except for which it is presently applicable."

"11. Marginal adjustment: The employees in all the pay stages falling between Rs. 320 and Rs. 525 in the revised scale of pay will be allowed a marginal adjustment of Rs. 20 p.m. The employees at the stage of Rs. 550, Rs. 575, Rs. 600 and Rs. 630 and Rs 660 will be allowed the marginal adjustment of Rs. 17, Rs. 14, Rs. 10, Rs. 5 and Re. 1 respectively The marginal adjustment will count as Special Allowance for all purposes."

"13. Except where otherwise stated or implied from the context the settlement to be reached in pursuance of those proposals will come into force w.e.f. 1-4-1978 and will remain in force till 30th September, 1981."

"14. The existing terms and conditions of service shall continue unaffected in so far as not modified by a settlement to be reached in pursuance of this understanding."

27. In the light of the contentions which are now pressed before me, these clauses in the package offer and the settlement have assumed importance. In this context, it would be useful also to refer to the discussion of certain aspects of the matter generally in paragraphs 22 and 25 of the Award. After referring firstly to the settlement between the ACEU and the Air-India dated 2nd February, 1979 and the remarks in the settlement that Guild has made "unreasonable and exaggerated demands" and was "not ready and willing to sign any fair and just settlement," the Tribunal pointed out that the existing dearness allowance and the additional dearness allowance which the employees were getting in 1974 was meregd with the existing basic pay. "However, variable dearness allowance (ADA|1975) as per the settlement of 1975 was to continue." The Tribunal then pointed out the consequences of the revision and the settlement, by which the "workmen have become entitled to corresponding increase in allowance which are related to basic pay, such as special allowance, city compensatory allowance and other allowances mentioned in para 9 of the first affidavit of Mr. Rao. There is a fitment formula set out in the settlement as a result of which a large number of workmen will be getting the benefit of being placed at higher stage in the revised scale of pay." "Then it lists out the benefits, which the workmen get under the settlement, such as (i) City Compensatory Allowance, (ii) Productivity Allowance, (iii) Computer Allowance, (iv) Increase in washing allowance, etc. That they have also further resulted in the earnings of the employees being increased, if the special allowance is taken into account for provident fund, pay as well as dearness allowance. Dearness allowance having been taken into account for provident fund pay, the special allowance in turn is increased and the Corporation's contribution also goes up.

28. In paragraph 24, the Tribunal pointed out as a result of the ACEU settlement, the financial burden per annum would come to Rs. 106.75 lakhs plus Rs. 5 lakhs by way of gratuity liability. However, the annual financial burden on the management would have been Rs. 1,215.78 lakhs as a result of the charter of demands submitted by the Guild, about 11 times more.

29. The contention of the Guild which was urged before that Tribunal and also before me by Mr. Dudhia finds place in para 25. The main grievance, before me as well as there, was that there has been no revision in the pay scales of the employees from 1966 to 1978. Therefore the settlement, it was urged before the Tribunal, was not proper. The circumstances on the other hand, it was urged on behalf

of the employer was that though basic scales were not increased, there were wage increases in the form of dearness allowance, ad-hoc dearness allowance, etc. in the years 1971, 1973, 1974 and 1975.

30. Having taken therefore, all these aspects of the matter into account, the Tribunal came to the conclusion that the wage scales of these workmen in grades 1 to 14 with effect from 1st April, 1978 should be as laid down in Annexure-A. That they should continue to get the variable dearness allowance. The fitment formula should also be adopted as laid down in clause 4 in addition to other allowances.

31. What is however, more significant and important are clauses 13 and 14 of that settlement. These clauses are reproduced above, and particularly, clause 14 will go to show that the workmen had agreed, and therefore, accepted the settlement and to the further condition that "existing terms and conditions of service shall continue unaffected in so far as not modified by a settlement to be reached in pursuance of this understanding". In other words, therefore, the employees by accepting this package offer and settlement, and the settlement having been held to be fair just and reasonable by the Tribunal, they must be held to have also accepted and agreed to the condition that the existing conditions of service other than those modified by the settlement itself of 2nd February, 1979, and which are not modified by any further settlement will remain and stand as they are and binding between the parties.

32. By the present reference and demand in items No. 2 to 14, what the Guild is asking is exactly the opposite, namely the revision of these existing terms and conditions of service, which have been subsequently accepted and have received the sanction of the Court by an award. It may be mentioned in this context that this award was accepted by the Air-India Corporation while the Guild, which did not accept it, challenged it before the Supreme Court in a appeal. The appeal has admittedly been dismissed. Therefore, the award made in National Tribunal reference No. 1 of 1980 has become final and conclusive. In other words the present demand is that despite settlement having been held to be fair just and reasonable and accepted by a majority of the workmen and notwithstanding that the settlement says "that the existing terms and conditions of service shall continue unaffected" change them. Any revision of wage scales as demanded on items 2 to 14 will be doing that and nothing else. There is, therefore, in that view of the matter, no escape from the situation, whether on account of the order passed on the 11th August, 1981 by Justice Dighe or on the basis of the award of the Tribunal in NTB-1 of 1980 of 21st of April, 1983, that the existing terms and conditions of service are not liable to be changed.

33. Mr. Dudhia, the learned counsel on behalf of the employees urged principally before me that the demands submitted in the present case were made in the year 1973.

The scales of pay which were prevailing in Air-India were in existence from 1966. There was no revision for seven long years upto 1973. According to him, if the present contention is accepted and if it were to be held that demands No. 2 to 14 stood answered in the same manner as was done in the reference No. NTB-1 of 1980, then it follows that there would be no revision till 1st April, 1978. It was his contention that the burden calculated by the Corporation and referred by the Tribunal was not correctly calculated. His contention was that only additional burden should have been calculated and not the burden which the Corporation has already been bearing. He submitted that dearness allowance and ad-hoc dearness allowance was being paid already. The demand of the Guild was over and above that ad-hoc dearness allowance. Dearness allowance demand not having been forwarded for adjudication, his contention was that the pay-scales, the fitment and other allowances which were the subject of claim in demands No. 2 to 14 would have correspondingly increased the total wages of the employees. Besides, it was his further contention that these pay scales which were demanded, if the question is gone into and the Guild was successful in showing what should have been the real and right wage structure in the industry, then the workmen would have got these wages right from 1973, when the demands were made at least. In the present scheme of things and where the award made in National Tribunal reference No. 1 of 1980 were to be accepted, there would be no relief to the workmen between 1973 and 1978. It was pointed out that interim relief demand was made with effect from 1st of April, 1973 and the workmen would have got these wages from 1973. His contention was that there demands survive for consideration at least in one aspect of the matter and in one way. He urged that even if the settlements were to be accepted and held to be binding, and entered into on 2nd February, 1979, these wage scales would be applicable from 1st April, 1978. What should be the wage from 1st of April, 1973 to 1st April, 1978 would still be a matter for consideration and point for adjudication. The learned Tribunal either in the order dated the 11th August, 1981 or in the award of 21st April, 1982 did not deal with that aspect of the question. His further contention was that the reference requires only the 1974 settlement to be taken into account and no other settlement.

34. These arguments are in my opinion without substance clearly and as I have pointed out, the settlement of 2nd February, 1979 can not be interfered or tinkered with. Full force will have to be given to it as it stands and no fracturing of it can be permitted. I have already pointed out that the settlement by one of its very terms says that "the existing terms and conditions of service shall continue unaffected....". I have no doubt in my mind that they include the existing scales of pay. The terms and conditions of service which were existing earlier to the settlement, namely, those which were prevailing prior to 1st April, 1978 which came to be amended by the settlement will have to remain unaffected and the parties stipulated that that shall be so. Besides if different scales of pay are to be prescribed, that would render the entire settlement of 2nd February, 1979 topsy turvy and broken in parts. It would make some of the terms and conditions of the settlement otious and futile and others awry. For instance, Clause 3 says that "the revised scale of Rs. 320—910 equivalent to the existing scale of pay of Rs. 150—640 applicable to the non-technical categories will stand abolished from 1st January, 1979." In its place, revised scales will come into operation. It would not be possible to read this clause alongwith any award which may be made on item No. 2 revising the pay scales, now sought by the Guild.

35. That would also be the position with regard to fitment. The fitment formula laid down in clause 4 can not be worked in any new scheme or wage structure which may be devised without violating other parts of the settlement. Any effort therefore, or any attempt even to consider the demands No. 2 to 14 of the Guild in the light of the subsequent decision of the National Tribunal would be a futile exercise, destined already to failure. It may be mentioned in this context that the question of fitment was also raised before Justice Dighe when he passed the order of 11th of August, 1981. He specifically held that "fitment is a consequence of wage structure" and therefore even with regard to the fitment the conclusions which may be reached in NTB-1 of 1980 will have to be adopted and will be adopted so far as demands No. 2 to 14 are considered. The settlement, therefore, with regard to fitment will have to be *mutatis-mutandis* made applicable and made to fit in the present case, making it impossible to make any effort at consideration or improvement on the pay-scales which were then prevailing.

36. In that view of the matter, it seems to me to be quite clear that I have no freedom to consider demands No. 2 to 14 afresh and irrespective of the decision of the matter in Award in NTB-1 of 1980 read with order dated 11th August 1981. That matter is concluded by a reading of the order dated 11th August, 1981 and 21st of April, 1983. If the Guild was aggrieved with the order of the Tribunal dated 11th August, 1981, it should have got that order revised by an appropriate proceeding. Having not succeeded in its appeal against the decision given by the National Tribunal in NTB-1 of 1980; the said has to be merely and simply adopted and applied to demands No. 2 to 14. There is no choice or option in this case to any adjudicator or Tribunal.

37. It seems to me that this controversy would not have and should not have arisen; if the circumstances of the order dated the 11th August, 1981 with regard to Demands No. 2 to 14 had been brought to the notice of the National Tribunal, when it made the award on 21st April, 1983 with regard to these demands. It is natural to think in the circumstances that if that had been done, it would have at the same time passed a part award with regard to demands No. 2 to 14 in the same terms as it had passed with regard to the package offer in NTB-1 of 1980, as the National Tribunal has gone into these questions at great length. In the circumstances, I hold that in view of the fact that the settlement has been held to be just, fair and reasonable and accepted by a large majority of the workmen (94 per cent), and for the reasons given above, demands No. 2 to 14 do not survive for consideration, and are therefore, rejected.

38. Part award accordingly.

R. D. TULPULE, Presiding Officer
[No. L-11025(1)|76DII(B)]

नई दिल्ली, 24 जुलाई, 1985

का. आ. 3717—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलरीज लिमिटेड, रामाकृष्णापुर-1 डिवीजन के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 जुलाई, 1985 को प्राप्त हुआ था।

New Delhi, the 24th July, 1985

S.O. 3717.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Ramkrishnapur I Division and their workmen, which was received by the Central Government on the 10th July, 1985.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Sri J. Venugopala Rao, Industrial Tribunal.

Industrial Dispute No. 12 of 1985

BETWEEN

The Workmen of Singareni Collieries Company Limited, Ramakrishnapur I Division, Adilabad District, A.P.

AND

The Management of Singareni Collieries Company Limited, Ramarkishnapur I Division, Adilabad District.

APPEARANCES :

None present.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012|65|84-D.III(B) dt. 7-2-1985 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Singareni Collieries Company Limited, Ramakrishnapur I Division, Adilabad District, A.P. to this Tribunal for adjudication :

"Whether the action of the management of Messrs Singareni Collieries Co. Ltd., of Ramakrishnapur-I in dismissing from service Shri Chandragiri Rangaiah, General Mazdoor, with effect from 30-7-1984 is justified? If not, to what relief is the workman concerned entitled ?"

This reference was registered as Industrial Dispute No. 12 of 1985 and notices were issued to both the parties.

2. A notice was issued to the Workmen to file their claims statement on or before 23-3-1985, but no claims statement was filed by the workmen till 26-6-1985. After giving sufficient adjournments as the workmen did not prefer to file their claims statement till date, I find that the workman concerned is not interested in contesting the case for best reasons known to himself and no representation was made. Hence the reference is terminated after giving full and fair opportunity to the workman.

Award passed.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 26th day of June, 1985.

Sd|-
Industrial Tribunal

Date : 1-7-85.

Appendix of Evidence.

NIL

Date : 1-7-85.

Sd|-
Industrial Tribunal

[No. L-22012(65)|84-DIII(B)]

का. आ. 3718.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर आयल एंड नेचुरल गैस कमीशन, बड़ौदा के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 जुलाई, 1985 को प्राप्त हुआ था।

S.O. 3718.—In ursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay, as shown in the Annexure, in the industrial dispute between the employers is relation to the management of General Manager, Oil and Natural Gas Commission, Baroda, and their workmen which

was received by the Central Government on the 10th July, 1985.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

PRESENT :

Dr. Justice R. D. Tulpule Esqr., Presiding Officer.

Reference No. CGIT-12 of 1983

PARTIES :

Employers in relation to Oil and Natural Gas Commissioner, Baroda.

AND

Their workmen

APPEARANCES :

For the employer.—Mr. Ramrakhiani, Advocate.

For the workmen.—Mr. Dudhia, Advocate.

INDUSTRY : Oil Fields. STATE : Gujarat.

Bombay, dated the 14th day of April, 1985

AWARD

The following reference was made to this Tribunal under Section 10 sub-section 1(d).

SCHEDULE

"Whether the action of the General Manager, Western Region, Oil and Natural Gas Commission, Baroda in hiring vehicles for transporting men and material inside the mining areas of Western Region in ONGC, affects in any way the service conditions or promotional avenues of the existing employees of the Oil and Natural Gas Commission ? If so, to what relief the workmen are entitled to ?".

2. It would be seen from the terms of the above reference that it is confined to the decision of hiring vehicles for transporting men and material inside mining areas in the Western Region and whether that action in any way affects the service conditions or promotional avenues of the existing employees of the Oil and Natural Gas Commission. We are, therefore, concerned in this reference with the employment of hired vehicles and whether the existing employees are affected in any way with regard to their service conditions and promotional avenues on that count. The reference therefore clearly does not call for adjudication, or can be called to question the decision or action to hire vehicles. It is only in the context of its affecting the service conditions or promotional avenues and that also of existing employees that the effect of the decision has to be examined and if there is any adverse effect on account of the decision the relief has to be spelt out.

3. Part of the pleadings both of the workmen as well as the Commission have gone to justify the action of hiring vehicles. As I pointed out above the action or decision can not be questioned and is outside the pale of the reference. The part of the pleadings, therefore, are being left out. The statement of claim filed by the Oil and Natural Gas Commission Employees Association, hereinafter referred to as union says that the Commission employs vehicles for transporting men and material from one place to the other as part of its normal regular and permanent work, as its installations are situated at long distance from the projects. It therefore maintains departmental heavy and light vehicles and runs a section called Auto Section for that purpose. It takes the workmen to the place of work and brings them back after their duty hours. A number of workmen are engaged on each of the projects, who were at one time being transported by the Auto Section with its own vehicles. The Western Region has five projects, namely, Ankleshwar Project, Ahmedabad Project, Mehsana Project, Cambay Project and Ghotaru Project in Rajasthan. Others are situated in Gujarat. It further says that there are about 800 drivers employed in this region to drive various kinds of vehicles, namely, buses, jeeps, cars, ambulances, trucks, etc., and also heavy vehicles like cranes. The Auto Workshop employs a number of technical workmen as also Khalashis and helpers and cleaners.

4. The union then gave a list of the vehicles. They are classified into cranes, tractors, trailors, ambulances and other transport vehicles and the number of drivers employed as well as technicians attached to the project, the strength of the drivers and other workmen technicians. The number of vehicles in some cases is also set out at these five mining areas. At Baroda, where the regional office is located, it has, according to the union 100 drivers, cleaners, operators and Khalashis.

5. The union says that the Commission started employing hired vehicles and discontinuing replacement of condemned vehicles and progressively reducing the strength of its vehicles. As I pointed out these parts of the claims statement which attacks and highlights the defects of the decision of the hiring outside vehicles have been left out.

6. The union has set out in para 10 of its statement of claim staff position of various kinds of workmen, the promotions given to them between various periods, presumably with a view to show that though between 1980 and 1982 a large number of promotions took place, subsequent to June 1982 promotions are on a reduced scale. According to it "future promotions will be very much less because of this policy of the Commission to hire vehicles from outsiders. Consequently the crux of the contention is that the chances of promotion and thereby service conditions of the existing workmen who are eligible for promotion are adversely affected.

7. Though the statement of claim did not specify which of the categories of workmen will be affected in their future chances of promotion among the various categories engaged in the auto section and elsewhere as also chances of promotion if any, in other disciplines or systems, at the hearing, the con-

centration of the attack was on the reduction in chances of promotion for helpers, cleaners and khalashi, according to the union, to the post of driver. Mr. Dudhia the learned counsel for the union stated that service conditions as such barring opportunities of promotion from lower grades to the higher grade of driver only were affected and according to him not any other conditions of service. He did contend that an opportunity or chance of promotion is a service condition, but beyond that broad aspect of service condition, no other service conditions was affected, or is the grievance of the union.

8. For the commission, a very long written statement was filed, part of which was utilised for justifying the action or decision of hiring outside vehicles. One of the contentions which it urged at the initial stage was that the order was undated and therefore can not be considered as a reference order. That the demand is different from the one which was originally raised. It also raised certain contentions with regard to the authority of the present union (ONGC Employees Association) to represent the workmen concerned in the present reference in the Western Region. It pointed out that there are other unions also operating in the Western Region, which are not parties to the dispute. It also raised a contention that the Commission has the powers to lay down the service conditions and the managements decision if it affects the service conditions, then it can not become an industrial dispute. It also seem to presume that the demand in the reference contests "the action of the management in hiring of vehicles." As I pointed out already, the demand is not to contest the decision and the reference is not for adjudicating the correctness or otherwise of the decision of hire outside vehicles, but only to find out the consequences of that decision, if any on the service conditions and/ or promotional avenues of existing workmen.

9. In para 21 of this written statement, it named the unions, other than the union on record, which it calls the Ankleshwar union, namely, ONGC Employees Association, Ankleshwar, ONGC Employees Mazdoor Sabha and some other unions. It says that the Ankleshwar union has no representation in other project area, though it has raised a dispute relating to the entire western region. According to it, at one time its constitution also did not permit the Ankleshwar union to take up the cause of employees situated elsewhere. The other unions, the Commission says, operating in the region have not disputed the action of the management.

10. According to the Commission, it started operating its own fleet of vehicles, for when the projects were started, there were no infrastructural facilities. The Commission had to transport its men and material to the mining areas as no local transport was available. With the growth of the operations and with the development of the opportunities, an infrastructure has developed and there is, according to the Commission, no further need to undertake or extend its transport service. Besides, those funds can be utilised, according to it, for more productive and useful purposes than buying vehicles.

11. Based upon its contention referred to above, that it is the Ankleshwar union which has taken up this dispute contrary to the terms of the reference, the commission suggested that if the reference is held to be competent, it should be restricted "only to Ankleshwar project." It then set out the number of vehicles which are in use viz., 118 of which 87 are general purpose vehicles and other are special type of vehicles, operated by a staff of about 382, of whom there are 220 operators of heavy vehicles and some 60 operators for special type of equipment.

12. According to it, the terms and conditions of service including promotional opportunities of the workmen are governed by regulations made by the Commission under Section 32 of the ONGC Act and orders issued and schemes framed from time to time by the Commission thereunder. None of the decisions taken by the management adversely affect "service conditions or promotional avenues or tenure of employment of the existing workmen", which according to it, are extremely liberal in giving promotions to the workmen.

13. It then points out that cleaners, helpers khalashis, security guards and other workmen are eligible for promotion to Drivers grade to the extent of 20 per cent of vacancies according to the regulations, and seeks to set the record right as regards the number of workmen at each of these projects. These regulations have not been changed and therefore, according to it, the decision to hire transport vehicles from outside is not likely to affect either service conditions or promotional opportunities. It also pointed out that every employee in ONGC is assured of two promotions during his service tenure.

14. A number of documents were produced for the parties. The management produced some at the instance of the union and some were produced by the union itself. Though a number of documents were produced, very few were referred to during the arguments and relied upon. Evidence was led on behalf of the union, of its General Secretary, and employee one Keshavan. No oral evidence was led on behalf of the ONGC. The question, really does not admit of any oral evidence. I shall briefly refer to the documents which have been produced by either side, indicating at the same time which documents were relied upon and referred, and which were not even referred and are not relevant. Two lists of documents were produced on behalf of the union, one on 15-6-84 and the other on 15-1-85. The June 1984 documents contain a circular regarding contracting of vehicles for transport of men and machinery and precautions to be exercised. The circular is more of an audit note for guidance of officers, who were required to hire vehicles, indicating the care which they should exercise and on account of what actions without care, have resulted in loss and irregularities to the commission. This was more produced than relied upon. This note, in a general way says that employment of contract labour asd employment of contract transport is a leading ground for irregularities, favouritism, corruption, laxity of security and an undersirable general practice. The reference does not permit me to go into the question whether the

decision of the Commission to engage contract transport vehicles or contract labour is proper and justifiable decision or otherwise. For the purposes of this reference, as I have indicated earlier, the decision has to be taken as it is, without going into the correctness or justifiability of the decision which is not a matter of adjudication. The second document, exhibit W-2, is a set of instructions and a note on the staffing pattern for transport section. This again gives rise to the questions which are not relevant. Exhibit W-3 however was relied upon by the management to contend that ONGC has been relaxing conditions of eligibility in several cases to enable its employees to be promoted. The order dated 5th September 1980 says that even Khalasis, helpers and eligible for consideration for promotion from grade-3 to grade-2 and grade-1 and those having driving licence and experience of 3|4 years of driving are eligible for consideration for promotion to the post of driver. It is this condition which is sought to be relaxed waiving the condition of possessing heavy vehicle driving licence. In other words, Khalashis, Cleaners and Helpers can be considered for promotion to the post of a motor vehicle driver even if they did not have a heavy vehicle driving licence, but had a valid driving licence.

15. The constitution of the Association was produced both by the employees as well as by the Commission. Originally a contention was sought to be raised that the Association was not a representative union. The more important set of documents upon which reliance was placed is documents at W-4 and W-6. Exhibit W-6 has an accompaniment, which is a letter addressed to Shri Gupta, Deputy General Manager, ONGC-WR, Baroda, by V. Ramanujachari, Member (Finance). The union sought to rely upon this document as it shows according to it that "recruitment in the transport categories" shall be stopped. The letter further says that "the Commission is contemplating to reduce the ownership of our own fleet of vehicles" and directs that "fresh recruitment in the transport categories even though" there were vacancies, were to be stopped. The contention, therefore is that the vacancies are not to be filled in and as a consequence of reduction of fleet, engaging hired vehicles from outside, the number of vehicles in the transport section and the commission would be reduced, there reducing the promotional opportunities for helpers cleaners and khalashis to become motor drivers.

16. In view of the contention raised by the Commission that there are other unions operating in the Western Region. A notice was issued to all these unions asking them to participate and appear, if they are interested. None of them showed any interest nor made any appearance. As regards the Association, the amendments to its constitution accepted by the Registrar of Trade Unions go to show that the Association, has by its constitution a right to represent the entire Gujarat region. The contention of the Commission, therefore, is not sustained.

17. For the management, it was pointed out that these directions were not now in force and that processing for the purposes of filling the vacancies is going on. In its reply dated the 8th February, 1985, with regard to document No. 2, which relates to the letter of Member (Finance), the ONGC stated that "it is no longer effective. Besides, it does not imply any ban or restriction on recruitment or promotions." In the letter, it is quite clear that it would stop only outside recruitment in the transport section. It does not in turn say whether, if there are any vacancies, promotions to the eligible people should not be given, nor does it appear to be intended that none of the vacancies arising should be filled. Even if the commission has intended to reduce its fleet of vehicles for the existing vehicles drivers will be required. And if there were vacancies, then presumably, the direction was that instead of going through fresh recruitment, the vacancies should be filled by other means.

18. The staff position in the transport section goes to show, at document exhibit W-7 and Document W-8, the progressive reduction and non-replacement of transport vehicles owned by the commission. The position is what obtains in December, 1983 and November, 1984 but relates only to Ankleshwar project. It will be seen therefrom that so far as transport operators are concerned, vacancies in the categories of crane operators (Grade 1 and 2) and operators of heavy vehicles and heavy cranes, which amount to about 78 vacancies, were not filled. The total number of sactioned posts were 400 which includes other categories of staff also. The posts which were filled in were only 297. Of this, there is a shortfall of 78 heavy vehiile operators, including cranes and heavy vehicles. This is again the position in November, 1984 at the Ankleshwar Project. So far as crane operators, and operators of heavy vehicles and heavy equipment are concerned, the number of vacancies has come down from 78 to 42. For the Mehsana project on the other hand, what is produced is unrelated to any particular period. Only number of vehicles are shown. The document, however, can not be of any use and is rightly not relied upon, as it does not relate to any particular period of time. The order dated 6th August, 1982 (Ex. W-8) showed that certain vehicles condemned were not replaced. The contention is that they were not replaced by any fresh vehicles. It seems to me that this contention is totally unfounded and unsustainable. The management has to decide in its own wisdom whether it should buy more vehicles or otherwise. It was contended that the management can better utilise the money for purchase of vehicles to buy drilling equipment and spend on explosing operation than buying vehicles. That will be a correct approach and undoubtedly justified.

19. The evidence of Keshavan shows that some persons have been interviewed from amongst the Khalashis for filling up the vacancies. His complaint is that they have not been promoted. His further contention is that the scheme of two automatic promotions to any workman is in reality, a stagnation relief. What he means is that a person in one grade is promoted only to the next grade. In other words, the same grade or category of workmen is divided into three, giving to them, as Grade-1,

Grade-2 and Grade-3, and each grade is treated as a promotion. His evidence is that as a result of reduced opportunities to him his future and capacity in higher disciplines and skills is not considered and remain unexploited as long as he remains in the employment of the commission.

20. The documents produced by the commission on the other hand, consist of the terms and conditions of appointment and service conditions, minutes of a meeting held on 15th February, 1982, list of recognised and unrecognised unions operating in the Western Region, statement showing the number of drivers and number of vehicles and some samples contracts entered into with transport contractors. I may mention that none of these contract documents were referred at all by either side. These were called and produced at the instance of the union but it did not find it necessary perhaps to refer to them. Heavy reliance was placed on behalf of the Commission, firstly on the regulations, firstly to show that two automatic promotions were guaranted to every one, though may be in the same category or class and not in higher grades. Besides, it was pointed out that the regulations provided filling up of certain posts by a percentage of direct recruitment and in many cases fully by promotion. So far as mother vehicles drivers are concerned the regulations provide that 20 per cent of the total number of vacancies are reserved for promotion to the employees of the Commission. The Transport and Auto Section provisions relating to promotions are to be fund on page 36 of these regulations. The category of clearners, helpers and khalashis in all disciplines are, eligible for this promotion. It is common ground that such cleaners, helpers and khalashis are in all sections of the ONGC, whether in transport section, engineering section or elsewhere, are entitled to compete and to be considered for promotional avenue or opportunity to the posts of drivers. It was the most debated issue in the present case.

21. The minutes of the meeting relied upon by Commission point out that "member (Personnel) explained in detail the background of the policy decision in regard to hiring of vehicles. He said one of the important aspects of this policy decision was to generate employment in the environment of our various work centres for follow-citizens less privileged than the employees of the ONGC. He assured the Joint Committee that no existing employee would suffer on account of this policy decision and that hiring of vehicles from outside agency would not be done if departmental vehicles were available for full utilisation."

22. "Member (Personnel) added that he had already requested the local management to enquire in detail into certain alleged irregularities pointed out by the Unions in some Regions in the operation of this system. Member (Personnel) also expressed appreciation of the manner in which the Unions had brought out certain lacunae in the working of the system for hiring of vehicles."

23. "A suggestion was also made that the management could consider self employed operators of vehicles for hiring rather than giving preference only to large transport operators. Member (Personnel) advised the respective local managements could give careful considerations to this suggestion."

24. The management contended that the issue of contract vehicles was discussed with the union in that meeting and the unions did not object to the decision of the employers. They only suggested that self-employed operators should be engaged. An assurance was also given at the meeting which according to the Commission seemed to satisfy the union, that "no existing employee would suffer on account of this policy decision." The reasons for employing outside vehicles seems to have been more of a matter of general policy decision, so as to distribute the benefits and largesse and allow local people to participate and share the benefits and prosperity which on account of the operations of the ONGC would be available in that area, and also to generate employment. It was also intended, the policy seems to say, that persons in the local areas who were less privileged in not being employed by the ONGC should also get a share in the pie. The Commission also relied upon the position of number of drivers, which it set out in Exhibit E-6, and the number of light and heavy vehicles which were in its employment between 1982 to 84. So far as the drivers are concerned between 1982-83, this was by way of upsetting the contention of the union that the number of posts of drivers were reduced and the number of vehicles has also simultaneously come down.

25. Exhibit E-6 goes to show that while in 1980, there were 866 drivers, this complement in the next four years rose considerably and was placed in 1983 at 904. In 1981, it was 931, but for the years 1982, 83 and 84, it has become less from 931 persons in 1983. In 1983, it came down to 904. This statement would really be of no much assistance in the absence of any sanctioned vehicle strength and sanctioned posts of drivers. The increase in the number of posts of drivers or openings may be temporary due to temporary exigencies of work. No principle or conclusion there upon, could be deduced that the effect of this resulted in reduction of opportunities of drivers of otherwise. Besides, it must be remembered that only one out of five vacancies is reserved to the employees of the ONGC while four are to be and can be filled in directly.

26. Position with regard to the vehicles also is different. The number of vehicles from 1982 has gone up in 1983, both with regard to light vehicles and heavy vehicles. So far as light vehicles are concerned, they rose from 108 in 1982 to 175 in 1983, while heavy vehicles rose from 17 to 21, during the same period. This does not go to show what was contended by the union, that, as a matter of fact, the number of vehicles in the Commission's possession was reduced. Apart from that, it seems to me that the decision is not challengable, and therefore, does not call for adjudication in the present reference.

27. At my instance, a chart was furnished by the Commission. The shows with reference various pages of the regulations the employment and promotional opportunities to Khalashis, Cleaners and Helpers. Statements in the chart are not disputed, and as I pointed out, they are backed by the relevant entries in the regulations. This goes to show

that apart from the motor vehicle driver's opening which is available to khalashis, cleaners and helpers, there are other openings also. It was said that they also require the possession of a motor driving licence. That may be so. But that does not mean that their promotional avenues are being cut off. If the promotional avenue by itself was to be taken away, it may be the case of change in service conditions for affecting the service condition. On the other hand, if the number of possible chances of promotion get reduced, that can hardly be a ground for complaint as alteration in service conditions. The number of possible chances for promotion or reduction from the explosive character or promotions at one stage, to a reduced number of them can never become a ground for complaint. A distinction has to be made and exists between a promotional avenue and a promotional opportunity. While a promotional opportunity is not a matter of service condition, promotional avenue is. If promotional avenue is being taken away that might give rise to a contention justifiably of the service conditions being changed. The question whether service conditions can be changed or not would be an entirely different matter. The fact remains that in such a situation the service conditions do not get effected. On the other hand, if at one time there were a largernumber of chances or openings and opportunities in the scheme of things already existing, and if they are reduced on account or change in the circumstance, such as reduced tempo of work or reduction in development plans, then an employee can not complain that his promotional opportunities were effected and therefore his service conditions. The terms "avenue" and "opportunity", are not interchangeable and are not synonyms.

28. I may only refer to three decisions upon which are useful in this context and which clearly establish the proposition set out above. It seems to me that it is so enunciated by the Supreme Court in its decision reported in 1976 II LLJ (page 115)- Mohammad Shujat Ali and others Vs. Union of India and others, and three other cases. There supervisors in the supervisors in the former State of Hyderabad had complained of change in service condition because in the ex-Hyderabad State, there existed larger number of vacancies for Supervisors to be promoted to the post of Assistant Engineers, which on account of the change in the rules made by the Andhra Pradesh Government had affected them. They were entitled, prior to 1956, to a 50 per cent of the vacancies in the posts of Assistant Engineers. Now as a result of the change in the rules, only 1 out of 4 vacancies in the posts of Assistant Engineer was made available to them for promotion. This it was contended, is both illegal and affected their service conditions. The Supreme Court held that a "rule which confers a right of actual promotion or a right to be considered for promotion is a rule prescribing a condition of service." This must not however, be confused with chances of promotion, which are certainly not conditions of service. As I pointed out, in the present case, the condition of service which is applicable, and which was complained of as being taken away and affected the right of avenue of promotion to the post of motor drivers to cleaners, helpers and khalashis holding a valid driving licence. That has undoubtedly not been taken away. If the commission had a larger number of vehicles of its own and the opportunities and chances of promotion to post motor vehicle drivers were more, but if, as a matter of policy, decision, or for some other reasons, it sought to reduce the number of vehicles, a promotional avenue is being taken away that might thereby reducing the chances of promotion, that situation would squarely fall within the ratio laid down by the Superme Court in Md. Shujat Ali Case (Supra).

29. A similar complaint was also raised by officers of former grades 1, 2 and 3 of the Reserve Bank of India in the case of V. J. Khanzode Vs. Reserve Bank of India (1982 I LLJ p. 465). Their contention was similar. It was said each grade or group expanded independently and operated within its limited sphere. There were opportunities of moving upwards in their groups. Their chances of promotion in their own group were bright, as they were separate and not interchangeable. The Reserve Bank decided to amalgamate these groups, providing inter-changeability, and preparing a common seniority list for these officers. Promotions were to be made from this list according to the seniority ranking given. This affected chances of promotion to officers in some groups adversely which gave raise to a petition and complaint. That was also negatived and rejected by the Supreme Court on the above principle, and that an increase or decrease in the chances of promotion is not a mater of service condition, and it can not be regulated. Employees can not complain, if on account of a decision, there is a project or possibility of the number of opportunities getting reduced.

30. Mr. Ram Rakhiani, learned counsel for the commission also referred to a decision reported in 1980 I LIC p. 710 (AIR 1980 Supreme Court p. 1255), and particularly, to the observation that "creation and abolition of posts is a matter of Government policy and every sovereign Government has this power in the interest and necessity of internal administration. The creation or abolition of posts is dictated by policy decision, exigencies of circumstances and administrative necessity." He contends that what was said of a Government is also true of a statutory corporation. In view of what I have pointed out above, as regards the ambit of reference. I do not think that any aspect of this matter requires discussion. I can not be disputed that, the discreation with regard to policy matters has to be left to the management and such policy decisions are dictated by circumstances and exigencies of business which the management above is best suited and competent to decide and judge.

31. Consequently, therefore, the reference must be answered in the negative and it must be held that service conditions and promotional avenues of the employees are not affected by the decision of the ONGC Western Region management. As a result the action of the General Manager, Western Region, Oil and Natural Gas Commission, Baroda in hiring vehicles for transporting men and material inside the mining areas of Western Region in ONGC, must be held to be not affecting the service conditions and promotional avenue of the employees. They are hence not entitled to any relief.

32. Award accordingly.

R. D. TULPULE, Presiding Officer.

[No. L-30011|3|82-DIII(B)]

नई दिल्ली, 25 जुलाई, 1985

का. आ. 3719.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 जुलाई, 1985 को प्राप्त हुआ था।

New Delhi, the 25th July, 1985

S.O. 3719.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad (A.P.), as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Ramagundam Division No. 1 and their workmen which was received by the Central Government on the 10th July, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Sri J. Venugopala Rao, Industrial Tribunal.

Industrial Dispute No. 11 of 1983

BETWEEN

The Workmen of Singareni Collieries Company Limited, Ramagundam Division-I, Godavari Khani (PO), Karimnagar Dist. (A.P.).

AND

The Management of M/s. Singareni Collieries Company Limited, Ramagundam Division-I, Godavari Khani (PO), Karimnagar Dist. (A.P.).

APPEARANCES :

Sarvasri G. Bikshapathi and N. Mohan Rao, Advocates for the Workmen.

Sri D. Gopala Rao, Member, A.P. Federation of Chamber of Commerce and Industry for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22011(5)83-D.III.B. dated 22-6-1983 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Singareni Collieries Company Limited, Ramagundam Division I to this Tribunal for adjudication :

"Whether the action taken by the management of M/s. Singareni Collieries Company Limited Ramagundam Division I P.O. Godavarikhani, District Karimnagar (A.P.) in changing the designation of Shri Tatipalli Gattaiah and 9 others Loading and unloading Mazdoor of stores Section of S.C. Co. Ltd., Ramagundam Division I is justified ?

If not to what relief the workmen are entitled to ?" This reference was registered as Industrial Dispute No. 11 of 1983 and notices were issued to the parties.

2. On 1-9-1983 the workmen filed claims statement and the management also filed their counter. For enquiry it was posted on 21-9-1983. From 21-9-1983 onwards the workmen called absent on all the dates of adjournments till 17-6-1985. On 26-6-1985 the Secretary of Andhra Pradesh Colliery Mazdoor Sangh, Godavari Khani filed a Memo on 22-6-1985 stating that since the concerned workmen are not interested in pursuing the dispute any more and are not coming forward to give evidence since last two years, the petitioner prays this Tribunal to kindly treat the dispute as closed and withddrawn. In the light of the above Memo filed, I feel that it is just and fair an award is passed accordingly closing the enquiry as not pressed and withdrawn. The memo filed by the Secretary, A.P. Colliery Mazdoor Sangh, Godavari Khani is enclosed to the Award.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 26-6-1985.

Sd/-
Industrial Tribunal

Appendix of Evidence.

NIL

Carma/28-6-85.

Sd/-
Industrial Tribunal

[No. L-22011(5)/83-D.III(B)]

ANDHRA PRADESH COLLIERY MAZDOOR SANGH

Regd. No. 428

(Affiliated to INTUC and Indian National Mine Worker's Federation)

Branch Office :
P.O. Godavarikhani-505209,
Dist. Karimnagar,
Andhra Pradesh.

No. Dated :

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL), HYDERABAD

I.D. No. 11 of 1983

BETWEEN

A. P. Colliery Madzoor Sangh, Godavarikhani,
represented by Secretary ..Petitioner

AND

Management of Singareni
Collieries Co. Ltd.,
Godavarikhani,

Karimnagar (Dist.) A.P. ...Respondent

The petitioner submits that the above I.D. was referred for adjudication to the Hon'ble Tribunal vide reference No. L-22011|5|83-D.III B, dated 21st May, 1983 of Ministry of Labour & Rehabilitation, Dept. of Labour, Government of India.

(2) Further, it is submitted that since the concerned workmen are not interested in persuing the dispute any more and are not coming forward to give evidence since last two (2) years, the petitioner prays the Hon'ble Tribunal to kindly treat the dispute as closed and withdrawn by us.

Sd|-

Petitioner

Secretary,

A. P. C. M. SANGH,
GODAVARIKHANI

VERIFICATION

I, K. Ramakrishna Rao, Secretary, A.P.C.M.S., Godavarikhani, on behalf of petitioner do hereby declare that what is stated herein above is true to the best of my knowledge and information. Verified and signed on this the 19th day of June, 1985.

Sd|-

Petitioner

[No. L-22011(5)|83-D.III(B)]

का. आ. 3720.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलरीज कंपनी लिमिटेड रामागुन्डम डिविजन नं. 1 गोदावरीखानी करीमनगर के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 जुलाई, 1985 को प्राप्त हुआ था।

S.O. 3720.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited Ramagundam Division I, Godavrikhani Karimnager, Distt. and their workmen, which was received by the Central Government on the 10th July, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRE) AT

HYDERABAD

PRESENT.—

Sri J.Venugopala Rao,

Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 12 OF 1983

Between

The Workmen of Singareni Collieries Company Limited, Ramagundam Division-I, P.O. Godavari Khani, District Karimnagar.

AND

The Management of Messrs Singareni Collieries Company Limited, Ramagundam Division-I, P.O. Godavari Khani, District Karimnagar. (A.P.)

APPEARANCES :

Sarvashri G. Bikshpathi and N. Mohan Rao, Advocates for the Workmen.

Sri D.Gopala Rao, Member, A.P. Federation of Chambers of Commerce and Industry for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012(22)|83-D. III.B, dt. 22-6-1983 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Singareni Collieries Company Limited, Ramagundam Division-I to this Tribunal for adjudication:

"Whether the action of the management of Ramagundam Divn. I of Messrs Singarni Collieries Company Limited, Post Office Godovarikhani is not granting one additional increment while fixing wages of S|Shri Shaik Yakub Ali, Woliuddin, Akula Papaiah, Jamal, Rayamallu, Avanuri Durgaiah, Sundilla Beemaiah, Kodati Ellaiah, Pump Khalasis (Category IV) with effect from 1-1-81 is justified?

If not to what relief the concerned workmen are entitled and from what date?"

This reference was registered as Industrial Dispute No.12 of 1983 and notices were issued to the parties.

2. On 11-8-1983 the workmen filed their claims statement. Sri G.Bikshapathi filed vakalat for the workmen with consent permit. Sri D. Gopala Rao offers to the file authorisation on behalf of the Management and counter statement and prayed for adjournment. The case was posted to 1-9-1983. On 1-9-1983 the management filed their counter and posted for enquiry to 21-9-1983. From 21-9-1983 onwards the case was adjourned from time to time since the workman did not appear before this Tribunal and at times the Management counsel were absent. On 17-6-1985 one witness on behalf of the Management was examined in chief as M.W.1 and the case was adjourned to 26-6-1985. On 26-6-1985 the Secretary, Andhra Pradesh Colliery Mazdoor Sangh, filed memo stating that since the concerned workmen are not interested in pursuing the dispute any more and are not coming forward to give evidence since last two years, the petitioner prays the tribunal to kindly treat the dispute as closed and withdrawn by them. In the light of the Memo filed, I feel that it is just and fair to pass an award accordingly closing the enquitry as not pressed and withdrawn. Hence award is passed and the Memo filed by the Secretary, A.P. Colliery Mazdoor Sangh is enclosed to the award.

Dictated to the Stongrapher, transcirbed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 26th day of June, 1985.

INDUSTRIAL TRIBUNAL

Appendix of Evidence.

Witnesses Examined for the Workmen:

NIL

Witnesses Examined for the Management:

M.W1 S. Mohsin Ali

Documents marked:

NIL

28-6-85

INDUSTRIAL TRIBUNAL

ANDHRA PRADESH CODE
Regd. No. 425

(Affiliated to INTUC and Indian National Mine Workers Federation)

Branch Office :
PO. Godavarikhhni-505 209,
Distt. Karimnagar,
Andhra Pradesh.

No.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL), HYDERABAD.
I.D. No. 12 of 1983

BETWEEN

A. P. Colliery Mazdoor Sangh,
Godavarikhani,
represented by Secretary ... Petitioner

AND

Management of
Singareni Collieries Co. Ltd.,
Godavarikhani,
Karimnagar (Distt.) A.P. ...Respondent.

The petitioner submits that the above I.D. was referred for adjudication to the Hon'ble Tribunal vide reference No L-22012(22)|83-D.III-B, dated, 19th May, 1983 of Ministry of Labour & Rehabilitation, Deptt. of Labour, Govt. of India.

2. Further, it is submitted that since the concerned workmen are not interested in persuing the dispute any more and are not coming forward to give evidence since last two (2) years, the petitioner prays the Hon'ble Tribunal to kindly treat the dispute as closed and withdrawn by us.

Petitioner.
Secretary,
A. P. C. M. Sangh.,
Godavarikhani.

VERIFICATION

I, K. Ramakrishna Rao, Secretary, A.P.C.M.S. Godavarikhani, on behalf of petitioner do hereby declare that what is stated here in above is true to the best of my knowledge and information. Verified and signed on this the 19th day of June, 1985.

Sd|-
Petitioner.
[No. L-22012(22)|83-D.III(B)]

का. आ. 3721 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी सिप्रोडाडे डी फोमेन्टो इण्डस्ट्रीयल प्राइवेट लिमिटेड पिसूरलेम आइरन और माइंस के प्रबंध तंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई (नं. 1) के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7 जुलाई, 1985 को प्राप्त हुआ था।

S.O. 3721.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 1, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Messrs Sociodade de Fomento Industrial Private Limited and their workmen, which was received by the Central Government on the 7th July, 1985.

(Annexure)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

PRESENT :

Dr. Justice R. D. Tulpule Esqr.,
Presiding Officer
Reference No. CGIT-8 of 1983

PARTIES :

Employers in relation to the management of M|s. Sociodade de Fomento Industrial Pvt. Limited, in relation to their Pissurlem Iron Ore Mines

AND

Their Workmen

APPEARANCES :

For the employer :—Mr. Balakrishnan
For the workmen :—Mr. George Vaz.

Industry :—Mining State :—Maharashtra

Bombay, dated the 1st April, 1985

AWARD

The only question which requires to be settled in this reference under Section 10(i)(d) is whether the removal of termination of services of the 14 listed workmen by the management of M|s. Sociodade de Fomento Industrial Pvt. Ltd., was justified and if it is not, the relief to which the wormen would be entitled.

2. The cause of the workmen is taken up by the Goa Mining Labour Welfare Union, which said in its statement of claim that the management, M|s. Sociodade de Fomento Industrial Pvt. Limited is a mining company exporting iron ore to steel mills in Japan and has number of trucks, mining machinery and technical staff. It also employs labour on permanent as well as temporary basis. Some of the temporary workmen are also treated as seasonal workers as the extraction of ore does not go on round the year. It says that the work of extracting iron ore is carried out from September (after monsooon) to May|June. Such seasonal workers are employed only in the mining season and not in non-mining season. It pointed out that labour gangs were used for an essential part of the mining activity, which they carry on in connection with the mines.

3. The listed 14 workmen, according to it, were from this group of workmen and have been working with the company for a period lasting for 5 years more or less. Some of them have worked for a lesser period and their services range from 1 year to 5 years with the company. According to them, the employment commenced somewhere in 1977, but their services were terminated with effect from 13th of September, 1982 when one Saifulla Khan, the foreman of the company inquired from the workmen, whether they had joined the Goa Mining Labour Welfare Union and on their saying so, terminated them from service.

4. The union says that this is an unfair labour practice and victimisation. The management thereby is indirectly supporting the other union which was also operating in this mine. The employer apparently

wanted the workmen to join that union and not this, thereby infringing their right to form an Association.

5. The action of the management, according to the union in simply terminating their services without paying them any retrenchment compensation or notice pay is illegal and infringement of 25F of the Industrial Disputes Act. The workmen are thereofre entitled to reinstatement with full back-wages and continuity of service.

6. The union also states that mining regulations and labour regulations are flouted by this company and generally in the Goa area, as "the Labour Department of the ministry of Labour in Goa territory is not functioning and there is no strict enforcement of Labour regulations and Mining Regulation....." The result, according to them, therefore, is that proper registers are not maintained. Even when the employees complete 240 days of attendance in a year, they are not taken on permanent basis. They are called temporary or casual and have not been paid minimum wages or agreed wages, thereby exploiting the workmen.

7. It has become necessary to refer to this particular portion of the contention in view of the kind of evidence and documents which the management has produced in this case.

8. The employer company disputed the right of the union to raise the dispute on account of the workmen. It denied that the workmen are its members or that the Secretary has been authorised to espouse the cause of the workmen by the union. According to them, it is only persons who hold a mining certificate under the Mines Rules, 1966 who can be employed in the mines. The workmen do not possess any such certificate and therefore, they are not employed in the mines, according to the company. Thereby, the employer also raised a contention that the Central Government is not the appropriate Government. This contention, however, was not pressed during the course of the arguments.

9. The company denied that the listed workmen were working for five years to 1 year continuously and states that "none of the workmen had a continuous service of one year or more before the alleged date of termination". The date of termination, according to the union is 13th September. Some how, the management seems to have taken at some places 30th Septemebr and at other places 13th September as the date of termination or ceasure of employmnt. According to it, the workmen were employed to do work of a temporary or casual nature whenever occasion arose and on completion of such casual work, the employment of the worker is terminated. It denied that their services were terminated by Saifulla. According to it, their employment itself was in the nature of casual employment for a particular kind of work which was then available, and as and when that work got over the employment automatically come to an end.

10. In view of the kind of work and the nature of employment of the listed workmen, the management says further, that the wormen are not entitled to any notice pay or retrenchment compensation, and hence the same was not paid. The work was "outside the premises or precincts of their Pissurlem Iron Mines, the type of work being such as (i) cutting of grass, bushes and wile growth, (ii) maintenance of gardens, (iii) erecting stone parpet walls in nullahs and (iv) filling of pot-holes on roads and loading the truck with iron ore as fallen|kept at Road-side at the time of failure of said truck on way to our plot, and removing silt from nullah etc. etc." However, there is no obligation upon the workmen to report for work, or upon the company to offer work to them. The nature of the work being casual and occasional, the number of employees required at a particular time was not known, nor could be estimated and when they were employed on account of such temporary and occasional increase in work, they were employed by the supervisory, and were also not engaged when the requirement was over. In September, 1982, it was found that there was no temporary work which could be given to the workmen and hence their services were terminated.

11. Oral evidence was led, as also documents produced by both the union as well as the employer. The employer was represented by its Deputy Superintendent, K. Balakrishnan. The employees, Shambu Vovulienkar, Rekapa Chavan, Ramakant Govind Parab, and Shantaram Sawant, were examined. For the management four files were filed. They were numbered as files No. 1 to 4. They were also directed to file the documents called for by the union on 18th April, 1984. The union had called for, by its application, attendance registers for the period 1978 to 1982, payment registers and Form-B Register. On 28th of February, 1985, the employers were also asked to produce their accounts for the period 1978 to 1982 relating to amounts payable to the workmen and "whatever other record relating to pay-bills and payment to the workmen, they have in their possession". B and D registers required to be maintained for the years were directed to be given for inspection of the union. Certain other directions were also given and the management representative was asked to file an affidavit in that behalf. I will however, deal with it when I deal with the oral evidence in this case.

12. Though called upon, the management did not produce C & D registers as applied for by application dated 18th April, 1984. Under Section 48, registers are required to be maintained of the persons employed in a mine. Sub-section 3 thereto prohibits employment in a mine, until the particulars required to be filled in the register are so filled in. Separate registers are also required to be maintained under sub-section 4 in case the employee is working in an open cast mint. Giving the kind of this employment, the shift in which he was. Persons who were not engaged in a mine are not allowed to enter an open cast mine unless there is a special authorisation. If, according to the management, these employees were not engaged in these mines, their names would not have appeared in registers C & D. Merely on the pretext that they do not hold a certificate or they were not mine workers, the employer is not justified in withholding the production of these registers. The evidence produced itself shows that some kind of attendance record was maintained by the employer. It is unthinkable that even casual labour is engaged without any record of their attendance and particularly when as is the evidence, they were paid on a monthly basis, during the latter stage of their employment. These registers are requir-

ed to be maintained under rules 75 and 78 of the Mining Rules.

13. The evidence of the workmen examined generally goes to establish that the workmen were engaged from 1977 onwards. For instance, Shambu Vovulienkar stated that he joined in 1978, witness Rekapa Chavan stated that he joined in 1977, Ramakant Parab stated that he joined in 1979 and Shantaram Sawant stated his year of joining as 1981 and 1982. All of them, however, stated that they were more or less a group, but were asked to work in twos and threes at various places. According to them, they were sent to work as helpers to electrician, helper to driller. Their services were also used in dumping yard for doing labour work. They were also asked to help in laying pipes, in pumping out water and also to work as helpers to pump mechanic, work in the garage for cleaning machinery and other things, and also to work in the gardens. They were also working sometimes on clearing jobs, maintaining roads inside the mines and for such other general labour work. All of them are uniform in their evidence in saying that they were all asked to go away and not to come to work on 15th September, 1982, after an enquiry was made with them as to whether they did join the Goa Mining Labour Welfare Union. Saifulla examined on behalf of the employer has, however, denied that he made any such enquiry. He says "that he only told them that there was no work and that was what the management had told him". He had no power or authority as a supervisor either to recruit labour or terminate their services. He stated that "the casual labour was assigned work according to instructions given to me by the management". He admitted that for maintenance and road repairs, casual labour was also sent sometimes to the mining areas. He also admitted that pumps are used to remove water if it accumulates in the mines, but stated that during his time casual labour was not sent as helper to electrician or to pump mechanics. He admitted that casual labour was sent for shifting the pipeline.

14. For the employer, record of attendance as well as payment to these employees from 1977 to 1980 was not produced. It only produced attendance record partly for 1980, record 1981 and 1982. Balakrishnan however admitted that these workmen were employed purely on casual basis from 1977. According to him, they were not doing anything in connection with the mines, but were mainly employed out side the mining area and their work was in the nature of environmental control. He says that they were engaged on "bush clearing, nala clearing and maintenance of gardens and road repairs. The road repair work was occasionally inside the mining area". According to him, the company was engaged in progressive mechanisation and therefore, the complement of labour was getting slowly reduced. That they were accordingly ceased to be employed in September, 1982. He further produced a record of attendance of the 14 workmen in a list. It is not possible to know in view of what I stated above, from what other records and documents, he got this list prepared. Balakrishnan denied that the workmen were sent to attend water pumps laying pipe-lines, helping electrician, maintenance of roads in the mining areas usually, but admitted that they were doing so occasionally. He also admitted that the record which he produced and the files 1—4 do not contain the daily record of the attendance from 1977 to 1979. He admitted to certain questions put by me that he was directed to file an affidavit that files Nos. 1—4 are the only record, which the company had in connection with the workmen from 1977 to 1982. He also admitted that there was no record in writing with the company to show that these 14 workmen were engaged primarily for bush clearing and gardening and for no other work. He also, similarly, stated that the company has no other record to show that they were only "occasionally employed as helpers to the pump mechanic, helping in laying pump line, helpers to electrician, and on maintenance of roads in the mining area" or also in the garages.

15. A person employed in the mine is defined under the Mines Act under Section 2 Sub-section 1(h) as a person employed whether on wages or not "in any mining operation or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations". The expression "mining operation" has not been defined. However, the work 'mining' has been defined. All operations in connection with the mine therefore, become mining operations. The definition of the work 'mine' can be found in Section 3 Sub-section 1(j), according to which "mine means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on....." It includes workshops within the precincts of a mine and premises used for the time being for depositing refuse from a mine, and all adits, leavels, planes, machinery, works, railways, tram ways and sidings in or adiacent to and belonging to a mine, and unless exempted "any premises or part thereof, in or adiacent to and belong to a mine on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on".

16. It will be seen from the above that the operations relating to laying of pipe-lines, operation of water pumps, laying of electrical lines, maintenance of roads in the mining area loading and unloading of refuse would all be operations in connection with the mine and incidental to and connected with mining operations, as also cleaning and oiling machinery used for the purposes of mining on which also the workmen concerned were employed. Thus it will be seen that there is no truth in the contention of the employer that these employees were not engaged in the mining operations and were not mine workers, but were engaged outside the mining area on such activities as bush clearing, nallah cleaning, maintenance of parapet walls and road maintenance.

17. That takes me to the documentary evidence adduced in this case. As I have pointed out, Mr. Balakrishnan produced a statement showing the attendance of these 14 workmen during the years 1977 to 1982. However, for the years 1977 and 1978 he has shown only 3 workmen who were in employment. They are Rekapa Chawan, who is one of the witnesses, Bablo Gaonkar and Shambu Vovulienkar, another witness. Apparently, Rekapa appears to have been there in employment even before 1977 or at least from January 1977. Balakrishnan admitted that even according to this record, which is produced, Rekapa does seem

to have completed 240 days in a year. In 1977 and 80, six more of those workmen are shown to have started working for different periods. Similarly in 1980 only two more in 1981 only one more and in 1982, the remaining four workmen had started working.

18. In the absence, however, of the record of attendance being produced, though directed and no reasons having been given for not producing it, I am unable to accept the statement produced by Balakrishnan as authentic. However, during the course of the arguments, Mr. Vez, appearing for the union stated that it may be that workmen at Sl. Nos. 11 to 14 in the above list namely (i) Manohar Voyutiankar, (ii) Shantaram Sawant, (iii) Venkatesh Surakar and (iv) Prakash Sawaikar excepting Shantaram Sawant, who was examined, may not have worked for the requisite 240 days prior to their termination or worked for a year. Shantaram in his evidence stated that he was working from 1981 and denied that he was working from May, 1982. For the year 1981-82, payment vouchers are also produced. They do not go to show that these four workmen have been working during the year 1981. They have been shown as paid during a part of the year 1982. They cannot, therefore, be held to be workmen who were employed for a year and to have worked for 240 days and must be held to be temporary and casual workmen. Therefore, their services could be terminated, if that, in the circumstances, was permissible in law.

19. With regard to the other 10 workmen, Sl. Nos. 1 to 10 in the above list since the record is not produced from 1977 of their attendance and since the evidence goes to show that they were in employment from 1977, 1978 and 1979, I am unable to hold that they were only casual and temporary workmen and had not completed 240 days of work in a year or had not worked for a year before their termination. Consequently, they will be entitled to the benefit of Section 25(F).

20. The record produced by the management reveals a number of interesting features. It appears that the management has not only suppressed and not produced the records for the years 1977, 1978 and 1979, but whatever records they have produced, they have pulled out some part of that record and not made a full and true disclosure of all the record they had in their possession. A personal of the record of attendance of these workmen and payment to them reveals a curious situation wherein some of these workmen and others are employed and are shown as if engaged through a contractor who is only one of them. The contractor has been changing from time to time, although what seems to have been done is to pick up the name of one such employee and describe him as a contractor. Thus, in files No. 4, and 2, it is shown sometimes that Rekappa Chawan was the contractor for some occasions, Shantram Sawant was shown as contractor on other occasions, and similarly Ramakant Parab and even B. Pednekar. They are also shown as working in the mines and for rejection loading, water pumping, electrical work in the garage, and also as general labour in the mines on occasions. The vouchers indicate the work on which these workmen are employed. In the light of these vouchers and the discussion of the evidence above and the legal position, I have not hesitation in holding that these workmen were not employed on casual work not connected with mines outside the mining area, but that they were engaged on the mines and in connection with the mining operations. In view of the absence of authentic attendance record and indeed its failure to produce which must be attributed to the deliberate withholding by the employer, the workmen at Sl. Nos. 1 to 5, 9 to 11 and 13 & 14 in the original reference must be held to have acquired the status of workmen, who are protected from capricious termination having worked for more than a year. Their services could not therefore be terminated simply much less can their services be terminated without payment of retrenchment compensation or notice pay. As their services have been improperly terminated, they will have to be reinstated with back-wages. I may now briefly refer to the legal position in the matter.

21. It was revealed during the evidence that these workmen were receiving daily wags of Rs. 11. They would, therefore, be entitled to be paid at the rate of Rs. 11 per day for the period during which the mines were working subsequent to 13th September, 1982. As regards the other four workmen (i.e. at Sl. Nos. 6, 7, 8 and 12 in the reference), the position appears to be that Monohar Vovulienkar and Prakash Saoikar had worked only for few days and can be only casual workmen who had not worked for a year. As regards Shantaram Sawant, it must be similarly held, as the payment made to him upto September 1982, is shown as only for 103 days. Apparently he started work, as was suggested during his cross-examination in the month of May, 1982. He worked for some days in the month of August, but not all and he did not, therefore complete one year or 240 days. He must also be a casual labour engaged on occasional work. Their cases do not fall within the ambit of Section 25(F) of the Industrial Disputes Act and they are, therefore, not entitled to any relief.

22. It is therefore declared that action of the employer Sociodade de Fomento Industrial Pvt. Ltd. in terminating services of workmen Serial Nos. 1 to 14 in reference. They are entitled reinstatment and to full back wages from 13-9-1982 calculated at the rate of Rs. 10 per day.

23. Section 25(F) of the Industrial Disputes Act lay down that "no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—"....."(a) the workman has been given one month's notice in writing indicating the reason for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice:" and (b) the workman has been paid retrenchment compensation at the rate of 15 days wages for every completed year of service.

24. Section 2(OO) of the Industrial Disputes Act, defines 'retrenchment' meaning thereby, "termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action". The rest of the portions of the definitions are not material for purposes.

25. I have already pointed out above that so far as the four workmen at Sl. No. 6, 7, 8 and 12 have not established and can not be held to have worked continuously for one year prior to their removal they are, therefore, outside the purview of Section 25(f), and can not get any relief. As regards the rest they have been in employment even according to the employer for more than a year. There have been a number of decisions on the point. But it is not necessary to refer to all of them. I would only refer to three of them which in my opinion are apt to the present situation. The first is that reported in 1976(I) LLJ page 478, wherein it was held that the definition in Section 2(00) of retrenchment is capable of taking in its fold termination of employment "for any reason whatsoever," excepting of course, the excluded circumstances in classes A, B & C. In the present case, the termination. The first is that reported in 1976(1) LLJ page would be termination amounting to retrenchment. Incidentally, it is admitted by Balkrishnan that the work which these workmen were doing, after the seizure of their employment was got done from the regular employees asking them to work for over time.

26. The question as to the correctness of this decision and it's conflict with an earlier decision of the Supreme Court in Hariprasad's case (1957 SCR 121) came up in Hindustan Steel V|s. State of Orissa (1977-I LLJ I SC). It was held that there was no conflict and that the words 'for any reason whatsoever' will be consistent with the object and aims of Industrial Disputes Act and not contrary to the scheme of the Act. There the contention was raised that termination of the services as a result of the efflux of time, the appointment being made for a period was outside the purview of the definition. The termination was automatic when the term expires. That contention was rejected.

27. The third case clearly meets the contention of the employer before us, in the presnt case, which is reported in 1980 LIC page 687 (Santosh Gupta V|s. State Bank of Patiala). It was held there that termination of services even of a temporary employee on the ground of surplus labour amounts to retrenchment. In Sundermoney's case (supra) also, it was held that the services of the temporary employee, if terminated amounted to retrenchment. It follows that it amounts to retrenchment and if no compensation is made or notice and|or notice pay made which admittedly was not done in the present case also then. The retrenchment itself is bad and the employees are entitled to back-wages as well as an order of reinstatement wherever it is called for.

R. D. TULPULE, Presiding Officer

[No. L-26011|13|82-D.III(B)]

HARI SINGH, Desk Officer.

नई दिल्ली, 15 जुलाई, 1985

का. आ. 3722.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-85 प्राप्त हुआ था।

New Delhi, the 15th July, 1985

S.O. 3722.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 4th July, 1985.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL KANPUR

I. D. No. 188|83

In the matter of dispute between :
Shri Dau Dayal Garg, C|o Shri V. K. Gupta, 2|363 Namair Agra.—Workman

AND

The Management of State Bank of India, Region III,

Lauris Hotel, Agra—Management.

AWARD

The Central Government, Ministry of Labour, vide its notification No. L-12012|228|82-D-II(A) dated 11th May 1983 has referred the following dispute for adjudcation:—

Whether the action of the management of State Bank of India, Agra in relation to its Mathura Branch in terminating the services of Shri Dau Dayal Garg, Cashier from 8-1-1974, is justified ? If not, to what relief is the workman concerned entitled ?

It is common ground that the workman was appointed in the bank as temporary cashier in 1970 and worked till 8th January, 1974 with intermitent breaks.

According to the management the workman worked for 181 days as temporary cashier in the year 1970, 359 days in 1971 and 150 days in 1972. He also worked at earstwhile Brandaban Gate Sub Office of the management bank for 45 days during the year 1973 and 8 days in 1974. Further it is stressed that as the workman has worked for 359 days during 1971 he was given opportunity to appear in written test for regular absorption in the bank in 1972 but he failed to qualify the written test. It is admitted that a large number of clerks|cashiers were appointed at Mathura Branch in 1972 and afterwords. On the basis of qualifying the written test and interview. The management has however, stressed that the workman qualified the written test and interview held in 1982 and was offered appointment as clerk-cum-cashier but he has not joined duties so far and his request that he should be given benefits of past services can not be accepted as he failed to qualify the service of the bank in 1972. The workman has consequently claimed continuity of service from 8th Janaury, 1974 and all back wages as his termination was illegal and malafide. Before the Assistant Labour Commissioner (Central) the management has taken stand that the management did not terminate the services of the workman but the workman himself abandoned the job.

In the rejoinder the workman has claimed relief as the management has not followed the provisions of sec. 25F, G and H of the Industrial Dispute Act.

The management has admitted that they do not have proper service record of the temporary employees, that no termination letter appears to have been issued to the workman, that no list of the candidates employed immediately before and after the workman ceased to be a employee of the bank has been maintained, that numerous persons were appointed in the bank from 1974 to 1981. The management offered certain concessions to the workman vide its application dated 5-2-85, on the basis of the agreement between the management and All India State Bank of India Staff Federation and the manage-

ment offered to pay all arrears of salary and allowances to the workman w.e.f. 16-1-1976 i.e. the date on which the judgment in the Sundar Mony's case was pronounced by the Hon'ble Supreme Court subject to the condition that he will disclosed if he was gainfully employed in between termination and re-employment and agreed for adjusting from the back wages payable to him and that he will liable for misconduct if declaration given turns out to be false. It was further clarified that this concession will not mean that the workman will enjoy the benefit of continuity of services for the period he has not worked with the bank for the purposes of seniority. In reply to the concession offered by the management the workman stated that bank offered him fresh appointment vide letter dated 24th May, 1983. The workman could not join on account of illness, the management getting baised cancelled the appointment vide its letter dt. 18th June, 1983.

Under the circumstances and in view of the legal position the applicant is entitled to all benefits including back wages and reinstatement from the date of his termination.

According to the affidavit of the workman his services were abruptly terminated on 31st May, 1972 without any notice or notice pay. He was however, reinstated in November 1973 and worked till 8th January, 1974 when the bank again terminated his services abruptly without any notice. The workman has however admitted in his affidavit that after the illegal termination of his services he joined as a teacher in a School to earn his livelihood where the salary is much lower to the salary what ever he was getting in the bank. Since then he is working there. He has consequently claimed full back wages for illegal termination and continuity of service.

The management has filed photo copy of the application of the workman requesting for permission to appear in special test as he has worked for 743 days during the period 1970 to 1974 under the management bank. Papper no. Ext. 2 is recruitment letter on the basis of written test which is dated 2-4-83. Ext. M-3 dated 13th June is to the effect that the workman did not report to join the duties of the management (in view of letter ext. M-2) it is presumed that the workman was not interested in joining the services, the offer of appointment is therefore, withdrawn. Ext. M-4 is letter dated 24th September, 1982 regarding to appear in the written test to be held on 3rd October, 1982.

On the other hand the workman has filed two letters requesting for time to join as he was ill. The two other letters appears to have been sent to the management by under certificate of posting 5th paper is a medical certificate issued by the Medical Officer P.H.C Mathura certifying that the workman was ill.

It is not disputed that the services were terminated on 31st May, 1972 though after that he was employed for some time from November, 1973 to 8th January, 1974 Termination for any reason what so ever will amount to retrenchment to attract provisions of sec. 25F and 25G as observed in Hospital Maidoor Sabha Case reported in AIR 1960 S.C. Page 610 wherein it was held :

> Sec. 25F provides that no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer untill he has been paid at the time of retrenchment compensation.....

On 31st May, 1972 admittedly the workman had put in more than 240 days of service as he has put in 359 days in 1971 and 150 days in 1972. thus in May, 1972 the retrenchment of the workman could be valid if retrenchment compensation and notice pay was paid to the workman. This admittedly was not done, hence the termination of the workman was illegal. Consequential appointment in 1973 for 45 days and 8 days in 1974 will not improve the matters. They may however, be reckoned for adjustment of money.

The later law of Supreme Court in Sunder Money's case reported in A.I.R. 1976 S.C. Cases L&S page 132 where in it was observed:

> Had the statement on known law and acted on duty half a months pay would have concluded the story but that did not happen and now some orders have passed and the contention to pay for no service rendered even so hard case can not make fact law. Reinstatement is necessary relief that follows. In the particular facts and circumstances of the case respondent shall be put back when he left off.

I, therefore, taking into consideration entire facts, circumstances and evidence of the case, find that the action of the management State Bank of India in terminating the services of Shri Dau Dayal Garg Cashier from 8-1-74 was not justified consequently I hold that the workman should have been allowed to continue after 31st May, 72 as he had put in more than 240 days service at that time.

The result is that the workman Shri Dau Daval Garg will be reinstated w.e.f. 31st May, 1972 and shall be entitled to back wages subject to adjustment of wages earned by him in the bank after 31st May 72 and till 8th January 1974 and also subject to the adjustment of pay drawn by him as School Teacher during the pendency of the case.

Under the circumstances of the case the workman shall get Rs. 200 as cost from the management.

I, therefore, give my AWARD accordingly.

R. B. SRIVASTAVA, Presiding Officer
C.G.I.T. KANPUR

[No. L-12012|228|82-D.II(A)]

का. आ. 3723.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, यनाईटेड कामर्शियल बैंक के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-1985 को प्राप्त हुआ था।

S.O. 3723.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the United Commercial Bank and their workmen, which was received by the Central Government on the 4th July, 1985.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 100/78

In the matter of dispute

BETWEEN

Shri Vinod Kumar Sharma —Workman

AND

M/s. United Commercial Bank, Divisional Office Lucknow. —Management

PRESENT :

Shri Chandan Singh r/o 37/174 Opposite Dairy, Budhoo Katra, Agra—for the workman.

Shri R. K. Mehrotra—for the Management.

AWARD

The Central Government, Ministry of Labour, vide its notification No. L-12012/42/78-D. II-A dated 18th November, 1978 has referred the following dispute for adjudication:

> Whether the action of the management of United Commercial Bank in having treated Shri Vinod Kumar Sharma, Peon, Rudrapur Branch of the bank as having vacated his post voluntarily as per letter No. 12/76 dated 9th January, 1976 is legal and justified ? If not, to what relief is the workman entitled ?

It is common ground that the workman Shri Vinod Kumar Sharma was initially employed as Peon in the management bank on 13th September, 1971 at Agra. He was transferred from Agra to Rudrapur branch of the management Bank in District Nainital on 16th September, 1975. The workman joined his duties there but remained absent from duty from 24th October, 1975. For his absence the workman had not taken any leave and came to Agra without the permission to leave the station allegedly on account of being unwell Consequently the management after waiting for any communication from 24th October, 1975 wrote a letter dated 10th November, 1975 inviting his attention to the unauthorised continued absence causing serious dislocation of work and further asked him to submit his explanation as to why disciplinary action should not be taken against him. The management's this letter of the bank remained unreplied and unattended, however, management received an application on 20th December, 1975 alongwith a medical certificate from the back date. This letter has absolutely no mention of the charge sheet dated 10th November, 1975. The bank however allegedly replied the letter of the workman received on 20th December, 1975 vide its letter dated 26th December, 1975 rejecting his application for sanction of leave. In the leave application received on 20th December, 1975 the workman had written that he will resume duty on 1st January, 1976 but he failed to do so. The bank having no way out terminated the services of the applicant vide letter dated 9th January, 1976 with immediate effect.

From the above facts it emerges that the applicant remained absence w.e.f. 24th October, 1975 without getting leave sanctioned and that he had left Head Quarter Rudra Pur without obtaining permission to leave the station. According to the management these two charges are proved beyond doubt from the admission made without taking support of the evidence produced by the management. According to the management the charges thus proved, there was absolutely no question of any enquiry to be held and the management was perfectly justified in terminating the services of the applicant vide its letter dated 9th January, 1976.

It is not the case of the management that the workman abandoned with services on account of his continued absence. When an employee continuous to be absent for long period of time giving rise to inference that he was abandoned the services then this will cause break in the continuity of service. It is always a question of fact to be decided on the circumstances of the each case as was held in Jeewan Lal Versus Workman A.I.R. 1962 S.C. page 1567.

In G. T. Lad Versus Chemical and Fibres India Limited 1979 S.C. Cases (Labour and Services) page 76 it was held:

> To stand abandonment of services there must be total or complete giving up of duties so as to indicate the intention not to resume the same. Abandonment and relinquishment of service is always a question of intention and normally such an intention can not be attributed to an employee without adequate evidence in that behalf. It is a question of fact to be determined in the light of surrounding circumstances of each case. Temporary absence is not ordinarily sufficient to stand an abandont matter.

In the instant case the other fact that the applicant moved an application for leave with medical certificate on 20th December, 1975 shows that the workman had no intention to leave the services of the management bank but the workman simple wanted his absence to be reckoned as leave on medical ground. In cases of dismissal for misconduct there should be proper enquiry before removal from service. Instant case is not being the case of abandonment case. The notice served on the workman on 10th November, 1975 was simple a show cause notice indicating him the charges levelled against him. No doubt there was no reply or no specific denial that the workman had left Rudrapur District Nainital for Agra without the permission to leave the station and further without getting leave sanctioned from 24th October, 1975 to atleast 10th November, 1975, but non reply of that show cause notice will not amount to proof of specific charge giving management the right to terminate the services of the workman by way of punishment for misconduct. Had proper enquiry been held it is just possible the workman would have taken the plea to substantiate his stand just as he has done during course of evidence that he sent the application under certificate of posting and not under registered post. Normally there is a presumption of its being sent in the case of letters sent by registered post which is not so in the case of letter immediately sent under certificate of posting. It is likely in the enquiry the workman might have succeeded in proving that such letters were really sent and received by the management bank. Thus in the absence of any enquiry the order of the dismissal would not be just and proper and legal.

In Gujrat Steel Limited Versus Majdoor Sabha 1981 LLJ page 137 it was held :

> The fact of the omission to hold enquiry is with Tribunal would have to control not only whether there is a prima facie case but must have to decide for duties on the evidence adduced whether the charges have been made out. A defective enquiry in this connection stands on the same footings as no enquiry and in either case the Tribunal would have jurisdiction to go into the entire matter and the employer would have to satisfy the tribunal that on the facts the order of dismissal or discharge was proper.

Accordingly relying on the above ruling and in the absence of any proper enquiry I hold that the action of the United Commercial Bank in having treated Shri Vinod Kumar Sharma peon, Rudrapur Branch of the bank as having vacated his post voluntarily as per letter No. 12/76 dated 9th January, 1976 is not legal and justified.

The result is that he will be entitled to full back wages with continuity of service.

I, therefore, give my award accordingly.

R. B. SRIVASTAVA, Presiding Officer
C.G.I.T., Kanpur

[No. L-12012/42/78-D.II(A)]

नई दिल्ली, 18 जुलाई, 1985

का. आ. 3724.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-1985 को प्राप्त हुआ था।

New Delhi, the 18th July, 1985

S.O. 3724.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the industrial dispute between the employers in relation to the

State Bank of India and their workmen, which was received by the Central Government on the 4th July, 1985.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT, KANPUR

I.D. NO. 206 of 1983

In the matter of dispute between:

Shri Ram Khilari —Workman

AND

M|s. State Bank of India, Regional Office, Agra. —Management.

Present:

Shri P. K. Gupta, representative for the Management.

Shri V. K. Gupta, 2|363 Namair Agra, representative for the workman.

AWARD

The Central Government vide its notification no. L-12012|219|82-D-II-A dated 28th June 1983 has referred the following dispute for adjudication:

> Whether the action of the management State Bank of India, in relation to its Firozabad Branch under the control of Regional Manager Region I Agra in terminating the services of Shri Ram Khilari messenger, with effect from 31-12-73 is justified? If not, to what relief is the wokman concerned entitled?

It is common ground that the workman was employed temporarily in the management bank on 30-12-72 as temporary messenger. He worked for 89 days on full pay and thereafter 163 days on half pay. His services were terminated on 31-12-73. It is also not disputed that after the termination of workman a large number of messengers have been appointed in the bank. It is admitted by the management that the workman has put is 215 days service in the bank excluding sundays and holidays. It is further admitted that a letter was issued to the regional office by the personel department of the management bank to absorb the workman on the assumption that he has worked for 240 days in a span of 12 calendar months but as this assumption was not found to be correct the warkman was not appointed.

In the written statement the management took stand that the management had appointed the workman for specified period and his appointment came to an end automatically after expiry of the time. But in the cross examination of Shri V. K. Push took the stand that the services of the workman were not terminated but he did not come on his own accord after 31-12-73.

It is common ground that no termination letter was issued. Similarly no appointment letter was issued showing that the workman was appointed for any specified period but this is admitted that after the workman's appointment on 30-12-72 till his termination on 31-12-73 there had been breaks. The workman's contention is that he worked for more than 240 days in one span of year and thus provisions of sec. 25-F of the I D Act and 25 H were violated and he was never paid retrenchment compensation nor given opportunity of re-employment after retrenchment. In support of his contention the workman has filed his services certficate issued by the management dated 25-1-74 showing that the workman had put in 9 months temporary service at Firozabad branch of the maagement bank as messenger part time water boy. The workman further filed photo copy of the failure report, actual working days of the workman counting the total period of working it came to 250 days out of which sundays and paid holidays comprising 37 days work deducted. Thus actual working days came to 215 days.

The workman has referred ruling in para 3 of his claim statement A. P. Parthsarthi Vs Management Standard Matter Product India Limited 1977 LAB (NOC) 136 Madras DB:

> No doubt sec. 25B sub-clause (ii) the words used are actual working days but in that very section lay off and medical leave are to be counted as actual working days.

It is not disputed that th's 37 days deducted from total working days from 215 days falling in between temporary employment had been paid by the management. Under U.P. Shop & Commercial Act weekly rest i.e. Sunday and National Holidays' are to be counted as working days and the management is liable to pay the workman for those days. Thus even these sundays' and holidays' for which the management pa d the workman would be deemed to be working days for the workman. Taking out sundays' and holidays' from one span service as not actual working days would oe to pedentic as meaning applied to it.

Under the circumstances the workman having worked for 252 days in a span of one year counting from 31-12-73 he would be entitled to benefits of section 25F of the I.D. Act, admittedly no retenchment compensation or notice pay was given to the workman consequently his termination would be viod abinitio in view of Sundarmani's Case reported in A.I.R. 1976 S-C-Page 1111.

As regards compliance of provis'on of section 25G of the said act as well as 25 H, it is admitted by the management witness that after the termination of the services of the workman a large number of messengers have been appointed in the bank. If this is so then the workman should have been called for employment. Further the management have failed to show that his retrenchment, being junior most, was proper, as no seniority list has either been maintained or filed.

Provisions of sec. 25G are also mandatory. Sec. 25G of the act costs and obligation to retrench the junior most.

Thus the management has commited infraction of the mandatory prov sions as contained in sec. 25G of the act as principal of Last Come First Go was controverted. I am supported in my view by law laid down in Navbharat Hindi Daily, Nagpur Vs Navbharat Shramik Sangh 1984 LAB S. C. Page 844.

Thus the termination of the workman is illegal on this ground also.

The management has urged that the claim is very much delayed and hence the workman in not entitled to the relief claimed. It may be mentioned that there is no limitation prescribed under the I.D. Act barring the workman's right for the claim, moreover, the R.L.C. referred the matter to the Government and the Government in its wisdon considered just and proper to refer the dispute to this tribunal for adjudication. The workman in his claim statement and also in his deposition has averred that he made representation to the management after his termination and some such letters are lying with his representative. The management's letter dated 11-4-80 show that the management was keen to appoint the workman if he had put in 240 days of service in 12 calendar months. Thus it can not be said that the workman's claim is belated and he is not entitled to be heard on that account.

The workman has however admitted that after termination he was working in a Bangle factory and that presently he is working in employment exchange temporarily from 1-2-74 the management would be entitled to adjust what ever the workman has earned as pay from the employment exchange from 1-2-74 till the date of his reinstatement. Regarding the amount earned while working in bangle factory there is nothing on record which may show that he earned some thing more than substantive allowance to be adjusted.

Under the circumstances I hold that the action of the management in terminating the services of the workman w. e. f. 31-12-73 is not justified. The workman shall be reinstated with all full back wages subject to the adjustment of pay drawn by the workman from the Employment Exchange.

I, therefore, give my award accordingly.

R. B. SRIVASTAVA, Presiding Officer

[No. L-12012/219/82-D.II(A)]

N. K. VERMA, Desk Officer

नई दिल्ली, 15 जुलाई, 1985

का. आ. 3725—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सर्वश्री कार्गो क्लियरिंग इन्टरनैशनल, बंबई के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके

कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4 जुलाई, 1985 को प्राप्त हुआ था ।

New Delhi, the 15th July, 1985

S.O. 3725.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial dispute between the employers in relation to the M/s. Cargo Clearing International, Bombay and their workmen, which was received by the Central Government on July 4, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

PRESENT :

Dr. Justice R. D. Tulpule Esqr., Presiding Officer

Reference No. CGIT-12 of 1984

PARTIES :

Employers in relation to M/s. Cargo Clearing International, Bombay.

AND

Their Workmen

APPEARANCES :

For the employer—Mr. S. P. Bhagwat, Advocate.

For the workmen—Mr. Wagh, Advocate.

INDUSTRY : Ports & Docks STATE : Maharashtra

Bombay, the 11th day of April, 1985

AWARD

This reference relates to the dismissal of an employee, Dattatraya Baburao Chavan, by the employer M/s. Cargo-Clearing International. The reference is worded in the following terms :—

"Whether the action of M/s. Cargo Clearing International 27|28 Kapadia Chambers, Broach Street, Bombay in terminating suddenly the services of Shri Dattatrya Boburao Chavan, Peon with effect from 10-9-1983 without assigning any valid reasons is justified ? If not, to what relief the workman concerned is entitled to?"

2. It would be seen from the terms of the reference that it is not in question as to what happened with regard to the employment of Chavan with the employers, Cargo Clearing International. The reference proceeds by taking the termination of services of Chavan as a fact. This is relevant as on the one hand it is contended that there was no termination, while on the other, on behalf of Chavan it was contended that the services were terminated on 7th September, 1983. Incidentally, the date of termination as stated in the terms of reference is 10th September, 1983.

3. The statement of claim mearly says that "the services of the workman were terminated verbally without assigning any reason with effect from 10th September, 1983. When the services of the workman were terminated, no charges of any nature whatsoever were levelled against the workman, nor any enquiry was held. The company also did not give him any notice of termination or follow the due process of law", meaning thereby that retrenchment compensation was not paid. The claim therefore is for payment of backwages from 10th September, 1983, and reinstatement.

4. For the employer, it was stated that the employee was employed with effect from 1st of September, 1982. Sometime before September, 1983 the employer stated receiving complaints of non-receipt of letters by his customers. The employee was given work amongst others to post letters for which he was also paid postage charges. The complaint was that the employee used to pocket the postage charges, and tear off the envelopes or letters and destroy them. That he was discovered in this act by two of his colleagues and other employees of the employer who brought such torn pieces of a letter to the employer. When the employer confronted the employee with this evidence and told him what was discovered of him, according to the employer, he stopped coming from the next date. He has, therefore, according to the employer, "remained away from duty from 8-9-1983." The employer however says he called upon him "to report for duty." It also said that "it is denied that his services were terminated from 10th September, 1983 without assigning any reason" and that the employee "stopped attending office on account of his guilt and to avoid disciplinary action by the management." There is even a reference by both sides to the correspondence which preceded to the making of this reference. The employer also named the other two employees, who it is said, placed the material evidence before him.

5. The parties lead both documentary as well as oral evidence. For the employer, extracts of muster roll and pay sheet were produced. For the employee, the correspondence which preceded was produced. The employee examined himself. On behalf of the employee, one other employee named, Suresh Harendran Ralkar, who it was said in the written statement produced the damaging evidence of torn letters was also examined. The employer himself went in to the witness box.

6. At the hearing of the reference there was considerable controversy as to whether the employee's service were terminated at all. As I had pointed out, the contention of the employer was that his services were not terminated and that the employee left on his own and stopped coming from 8th September, 1983. There is a lot of confusion with regard to the date and as to on which date the incident occurred and from what date the employee stopped coming to the office, or his services were terminated, and is a matter of conflicting evidence. In view of what I have observed, above and in view of the fact that the terms of reference proceed on the footing that Chavan's service have been terminated the question as to whether his services were terminated or no really does not call for a decision. Even assuming however, for the moment that it does fall for a decision, I am satisfied that Chavan's services were terminated by the employer on the 7th September, 1983 itself and as I shall presently passed out that evening. I am supported in this conclusion by the correspondence which is placed on record. The narration of the incident by the employer in his written statement and the muster roll produced.

7. The first in point of time is the letter of the union dated 12th September, 1983, very soon after the incident. It is addressed to the employer and said that the management did not pay him salary and Special Allowance, D.A. "according to the settlement dated 9th March, 1981. It is a breaching to the settlement" and described the verbal termination of the service of Chavan by the employer as "illegal, unlawful and unjust." This letter dated 12th September, 1983 however did not mention the date on which Baburao's services were terminated verbally. This letter as also what happened on the date in question and what was the intention and the attitude of the employer is clear from two other documents, i.e. the employer's letters dated 15th September, 1983 in answer to the letter dated 12th September of the union, and the other dated 29th September, 1983 to the Assistant Labour Commissioner.

8. Firstly, referring to the letter dated the 29th September, 1983 of the employer, at page 2, it clearly says that Chavan "has worked with us upto the 7th of this month." That therefore clearly goes to establish that Chavan's services were terminated on the 7th of September evening.

9. The letter dated the 15th September, 1983 conveys very clearly and emphatically the attitude of the employer

and his intentions when he says with reference to Chavan that we certainly do not propose to continue his services with us." He repeats that Chavan "worked with us up to the 7th of this month." It is therefore, quite clear that the employer had no intention of continuing the services of Chavan with him, and that Chavan worked with him upto 7th and as is contended in the written statement that on 7th September itself, other Peons Raikar and Ghadi were sent by the employer to "watch whether Shri Chavan posts the letters or not", and that Raikar and Ghadi reported to the employer and brought him torn pieces of letters. The written statement then proceeds further to say "when he came to the office in the evening the Proprietor questioned him about his misdeeds and told him that if he repeats such things, the management will take strict legal action against him." "On realising that the management had found out his misdeeds he stopped attending office." The written statement further says that Chavan "remained away from duty from 8-9-1983." The circumstance of his having signed against 8th in the muster roll produced on 11th April, is really of no avail. It is also signficant that is struck off by a line drawn all along. It may be that Chavan attempted to report for duty and signed the muster roll on 8th September but the circumstance that he had already been asked to leave on 7th evening was confirmed on 8th. It seems to me quite clear in view of what I have stated above, and the documentary evidence to which I have referred that Chavan's services were terminated in reality on 7th evening. The absence of that date in the letter of 12th September, the subsequent introduction of date 10th September as the date of dismissal which is nobody's case and the attempt on the part of the employer to say that the employee did come to work on the 8th is also disproved by events and circumstances and pieces of evidence which came to be led and came into existence immediately or very soon after the incident. This is further apparent from the contentions of the employer in the written statement itself.

10. It must therefore be held that Chavan's services were terminated and not as alleged by the employer that he stopped coming to the office of the employer after 8th September. It must also be held that the services of Chavan came to be terminated on the 7th September, 1983 itself in the evening. From the correspondence and the evidence to which I have made a reference, I have no hesitation in holding that there was an incident on 7th September, 1983 in connection with Chavan's non-posting of letters and destroying them and that on that account his services came to be terminated by the employer on 7th September, 1983. The statement in the letter dated 15th September, 1983 that the employer has no intention to continue the services of Chavan with him coupled with the statement that 'he worked with us till 7th September' clearly goes to indicate that his services had been terminated on 7th September. The contention, therefore in the written statement and the stand taken during the evidence that the services of Chavan were not terminated and Chavan was free to return to the office is an after-thought.

11. The next question which has then to be decided is to what relief Chavan is entitled. Section 2(oo) defines what is retrenchment and days "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever...." We are not concerned with the other parts of the definition in the present case. It is not contented in the present case that Chavan's services were terminated by way of any disciplinary action. His termination, therefore, must be held as retrenchment. He had admittedly put in a year of service Section 25(f) of the Industrial Disputes Act lays down that "no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice". Retrenchment compensation has also to be paid computed at the rate of 15 days average pay for every completed year of continuous service. In the present case, therefore, it would have been perfectly alright for the employer to terminate the services of Chavan by giving him one month's notice or paying him one month's wages and giving him retrenchment compensation namely, 15 days average pay. Employee Chavan had started employment with the employer on 1st September, 1982. His services came to be terminated, as I have held above, on 7th September, 1983. He would have therefore been entitled to only 15 days average pay by way of retrenchment compensation. That now not having been done, the termination of the service of Chavan on the 7th September, becomes invalid and illegal. We may refer in this connection to Santosh Gupta Vs. State Bank of India (1980-II LLJ page 72) and State Bank of India Vs. Sundara Money (1976 I LLJ page 478). Chavan would therefore be entitled to reinstatement with back wages, i.e. with effect from the 8th September, 1983 till now.

12. However, Chavan has categorically stated in this case that he does not wish to be re-employed, and does not wish to go back to the employment. During his cross-examination, he stated "I do not want the services of the company and I am not prepared to go back even if the company is prepared to take me." In his examination-in-chief, he merely stated that he was unemployed since 7th September 1983. But during further questioning by me, he stated again that he did not "wish to go for work to company, as I am assisting my wife in a vegetable business during the last 3-4 months". He admitted that he knew that it was the case of the company that it was prepared to take him back. He also admitted that he did not write to the company after knowing its stand to take him back. He changed the story again and stated that he did not do so as his wife "had started a vegetable shop 2-3 months after September, 1983 and I assisted her." Finally, he said that "as I am assisting my wife in the vegetable business, I do not want to serve".

13. In other words, it would be seen in the present case that though the employee in this case is entitled to go back to work and is entitled to be reinstated with back wages, the employee himself does not wish to be re-employed, the reason being as he says, he has been assisting his wife who start a vegetable business 2-3 months after September, 1983.

14. It will not be possible to accept the story of Chavan that there was no incident on the 7th September, 1983 and that though he asked Gupta as to what wrong he has committed, he was not told anything, but merely asked to leave. It is also not possible to accept the evidence of Suresh Raikar, ex-co-employee, as his evidence is certainly tainted and interested. The nature of the evidence of Chavan and the story is improbable taken at its face value. In ordinary situations and circumstances, such a thing does not happen. Our experience does not show that a man is asked to leave office and that even though he makes an enquiry as to what is his wrong, he is not given any answer. This is particularly so in the background of the present case, since Chavan was re-employed from 1st September, 1982 by the same employer on humanitarian grounds. This part of the version of the employer has not been challenged. As regards Raikar's evidence. Raikar has now left the employment of the employer. That he should have now come forward to depose against his former employer and in favour of his ex-colleague is not unnatural or abnormal. His story is also improbable and unnatural. According to him, the services of Chavan were terminated on 7th September morning, a story which it is difficult to accept. He says that there was no incident on the 7th September or that he and Ghadi were sent to watch Chavan to see if Chavan posts the letters. Raikar did not impress me as a reliable or truthful witness. Apart from the contradiction in the evidence of Raikar and Chavan, as to the date of termination of the services he also made conflicting statements about the end of his own employment. He stated at one stage that he "was removed from 4th November, 1984 by the employer" and at a later stage stated that he has "given in writing and left the services voluntarily on 5th November, 1984."

15. Written statement of the company was filed in this case on 24th August, 1984. Though it is the case of the employer that he sent another workman to the house of Chavan to call him for work and that he expressed willingness to take him back, it is quite clear that the stance which

he took before the Commissionr of Labour was consistent with his letter dated 15th September. There is nothing to show if at an earlier stage or before the Labour Commissioner, the employer had agreed to take back Chavan and stated he did not terminate the services of Chavan. There is not a word in the letter of 29th September suggesting that Chavan left on his own and that he could join the company back and his services were not terminated. On the other hand apart from reiterating the earlier incident, he stated that Chavan "has worked with us upto 7th of this month" and that "we certainly do not propose to continue him" in employment.

16. In view however, of the stand taken by the workman, there is no question of his being asked to join the services of the employer and reinstated or his services thrust upon the employer against the wishes of the employee and in the light of the expressed intention of the employer earlier against his desire also. The relief therefore, can not be reinstatement, but only of compensation. The question as to what amount of compensation, the empolyee would be entitled in the circumstances is not easy to decide. Just as I had pointed out that the employer's stand in relation to the employment of Chavan and its termination has not been consistent, it is also not possible to accept his story that Chavan's services were not terminated. It is also similarly not possible to accept the version of the employee that there was no incident on 7th September and that his services were terminated for some other reason. I am inclined to think that the employee is not telling the truth and the circumstances that he was charged with having destroyed letters given to him for posting and has pocketed the moneys given for postage stamps is not without substance, and not without a vestige of truth. It would have been possible to conclude about incident with some assurance, if the employer had retained torn pieces of the letters and had examined Ghadi and/or produced some more evidence. The reasons given for ot examining Grdhis that he had been threatened by the employee Chavan. It was rightly contended that no such allegation or suggestion was put to Chavan in the witness box. I am not prepared, however, to hold that the version or allegation that Ghadi had been threatened is not true. It may or may not be true. The face remains that Ghadi has not been examined and the employer has also not produced any tangible material from which it could have been safely concluded and Chavan was confronted with actual evidence of his misconduct in the form of destroyed letters. It seems to me that both the employer as well as the employee have not come forward with the true state of affairs and with all aspects and evidence of the incident. In determining the amount of compensation, which should be paid to the employee, this will be a factor which will have to be taken into account.

17. Ordinarily, the employee's services on the basis of retrenchment could have been got rid of on paying a sum of Rs. 575/- as notice pay and Rs. 237.50 as retrenchment compensation. The employer not having, however, followed that course and in the fit of temper having obstinately persisted in his folly, he must suffer for his hasty action and improvident conduct. I have already pointed out the vascillating and shifting evidence of Chavan with regard to the so-called vegetable business. It is unusual for an employee to refuse to go back to employment. His story in the examination-in-chief and initially was that he had no employment, much less any gainful employment. When he was confronted with the prospect of going back to the employer, it appears that Chavan shrunk back from the prospect and came out with the story of vegetable business, which is so gainful to him and so much so that he can spurn the employment though available to him in law as well as on the employer offering it to him. This has also to be taken into account and another reason why I am inclined to conclude that Chvan is equally suppressing the true state of affairs. He must however, suffer for the same. Though he would have been normally entitled to compensation by by way of back wage upto the date of order, when he categorically refused re-employment right from September, 1983 upto 31st March, 1985 atleast, namely for a period of 19 months which would be Rs. 10,925, I do not think, looking to his conduct and behaviour, his particular desire to suppress the truth and inexplicable unwillingness even upon the orders of the court to rejoin, that he should be paid the entire amount. It would similarly not be appropriate and in the fitness of things to merely award compensation for three more months or upto the end of 1983 to Chavan when his wife's vegetable business started. For the hasty, crude and imprudent act of the employer, if he is required to pay a small compensation that would not be in appropriate and in the fitness of things. The situation which has presented itself in the present case if somewhat unusual. I, however, feel that a direction to pay an amount of compensation of Rs. 5,000 in lumpsum to employee Chavan would meet the ends of justice. It is accordingly held that M/s. Cargo Clearing International was not justified in terminating the services of D. B. Chavan from 7th September, 1983 and that Chavan should be paid a lumpsum compensation of Rs. 5,000. The amount to be paid within two months from the date of publication of the award.

R. D. TULPULE, Presiding Officer

[No. L-31012(7)/83-D. IV(A)]

नई दिल्ली, 18 जुलाई, 1985

का० आ० 3726—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, पंजाब एण्ड सिंध बैंक, कलकत्ता के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2 जुलाई 1985 प्राप्त हुआ था।

New Delhi, the 18th July, 1985

S.O. 3726.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa, Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab and Sind Bank and their workmen, which was received by the Central Government on 2nd July, 1985.

INDUSTRIAL TRIBUNAL, BHUBANESWAR

PRESENT :

Shri K. C. Rath, B. L.,

Presiding Officer,

Industrial Tribunal,

Bhubaneswar.

Industrial Dispute Case No. 11 of 1980 (Central)

Bhubaneswar, the 21st June, 1985

BETWEEN

The employers in relation to the management of Punjab & Sind Bank. ...First-party.

AND

Their workman ...Second-party.

APPEARANCES :

Shri R. S. Karir, ...For the first-party.

Branch Manager,

Shri R. S. Karir,

Bhubaneswar.

Shri A. C. Mohanty,

Advocate. ...For the Second-party.

Shri Bhaskar Patro,

Vice-President,

All Orissa Bank Employees Association.

AWARD

Dispute referred to by the Central Government for adjudication under Section 7-A and Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, vide Notification No. L-12012/135/79. D. II A dated 26-9-1980 of the Ministry of Labour reads thus :

"Whether the action of the management of Punjab & Sind Bank, P. O. Cuttack (Orissa) in terminating the services of Shri Harpal Singh, Peon employed in the Cuttack Branch of the Bank, with effect from 21-2-1979 is justified ? If not, to what relief is the workman concerned entitled ?"

2. First-party employer is the management of Punjab & Sind Bank whereas the second-party workman was its Peon from 19-6-1978 till 21-2-1979 when his services were terminated on the ground that his performance during the period of probation was not satisfactory.

3. Second-party workman has challenged the order of termination of his services as illegal as no retrenchment benefit was given to him prior to the termination of his services.

4. First-party has stated in its written statement that the appointment of the second-party workman being purely on temporary basis for a limited period and he having worked from 19-6-1978 for a period of two months and again from 22-8-1978 till 21-2-1979 when his services were terminated, question of giving retrenchment benefit to him under Sec. 25-F of the Act did not arise as by then he was not in continuous service for a period of one year by completing 240 days during the twelve calendar months preceding the date of termination of his services.

5. One witness was examined for the second-party workman and one for the first-party management. Ext. 6 shows that the second-party was given appointment for a period of two months. Ext. 5 shows that pursuant to the appointment order issued as per Ext. 6, the second-party workman worked from 19-6-1978 to 17-8-1978. Ext. 1 is another appointment order dated 19-2-1978 for a period of six months with effect from 22-8-1978, Ext. 4 shows that the services of the second-party workman were terminated with effect from 21-2-1979 on the ground that his performance during the probationary period of six months was not satisfactory. The second-party workman has not examined himself to challenge the correctness of the writing, Ext. 4. One of his co-workers was examined but his evidence does not prove or disprove anything. Even though the second-party is not examined and the evidence of his co-worker does not prove or disprove anything, the impugned order terminating his services cannot be said to be legal or justified due to non-compliance of the provisions of Section 25-F of the Industrial Disputes Act, as he had completed one year of continuous service as per the provisions of Sec. 25-B of the Act by working for more than 240 days from 19-6-1978 to 17-8-1978 and from 22-8-1978 to 21-2-1979 as per the evidence furnished by Exts. 1 5 and 6 produced on behalf of the management. Such being my finding, the reference has to be answered in the negative.

6. In the result, the action of the management of Punjab & Sind Bank, P. O. Cuttack (Orissa) in terminating the services of Shri Harpal Singh, Peon employed in the Cuttack Branch of the Bank, with effect from 21-2-1979 is neither legal nor justified. He be reinstated in service with full back wages.

7. The Award is passed accordingly.

K. C. RATH, Presiding Officer, Industrial Tribunal

Bhubaneswar.

Dictated & corrected by me.

K. C. RATH, Presiding Officer

[No. L-12012/135/79-D. II(A)/D.IV(A)]

नई दिल्ली, 19 जुलाई, 1985

का. आ. 3727.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, ग्रिन्डलेज बैंक लिमिटेड के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10 जुलाई 1985 को प्राप्त हुआ था।

New Delhi, the 19th July, 1985

S.O. 3727.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Grindlays Bank Ltd. and their workmen, which was received by the Central Government on the 10th July, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

PRESENT :

Shri M. A. Deshpande,—Presiding Officer.

Reference No. CGIT-2/30 of 1982

PARTIES :

Employers in relation to the management of Grindlays Bank Limited and their workmen.

APPEARANCES :

For the Employers.—1. F. N. Kaka, Advocate,
Miss Roshni Andhyarujina, Advocate.

For the workmen.1. Shri P N. Subramanyan, General Secretary, All India Grindlays Bank Employees' Federation.

Shri N. P. Pai—The workman concerned.

Industry : Banking State : Maharashtra

Bombay, the 21st June, 1985

AWARD PART II

By their order No. L-12012(402)/81-D.II(A) dated 28-5-1982 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947:—

"Whether the action of the management of Grindlays Bank Limited, Bombay in relation to their Cochin Branch in dismissing from service Shri N. P. Pai with effect from 4-11-81 is justified ? If not, to what relief is the workman concerned entitled ?"

2. As the order of reference stands it relates to the order of dismissal passed by the management against Shri N. P. Pai a Special Assistant, with effect from 4-11-1981. The order of dismissal was preceded by an Enquiry, in which enquiry the Enquiry Officer found the concerned workman guilty of misconduct and on the strength of the findings of the Enquiry Officer the competent authority had brought to an end the relationship of employer-employee by ordering his dismissal. This order ultimately led to the present order of reference under Section 10(1)(d) of the Industrial Disputes Act, during the course of hearing of which reference by Award Part I dated 22-2-1983 the findings was noted that the enquiry suffered from serious defects and as such the conclusions arrived at and the final order passed by the competent authority would not be confirmed. However in view of the decision of the Supreme Court in Fire Stone case the matter could not end there and at the request of

the management they were given an opportunity to substantiate the charge of grave misconduct and for the said purpose to adduce evidence before the Tribunal.

Being dissatisfied with the said order the management had preferred Writ petition but today I am informed by Shri Kaka that the said Writ petition has been withdrawn as a result of which the stay granted by the High Court stands vacated.

4. There is another development which needs mention namely after passing of the Award Part I the workman concerned i.e. Shri Pai and the management have entered into settlement, terms of which have been recorded and filed on record, in pursuance of which the workman retires with effect from 3-5-1985 and he has derived certain benefits like backwages till the said date and ex-gratia payment of Rs. 40,000 and further pensionary benefits.

5. The matter in the normal course should have ended because the person who is alleged to be aggrieved by the order of dismissal had settled the dispute. However there is an objection raised by the Union namely All India Grindlays Bank Employees Federation which is represented by Shri Subramanyan, General Secretary of the Federation whose contention by his say dated 14-6-1985 is that it was not fair on the part of the management to enter into settlement, without negotiating the terms with the Federation who espoused the cause from the beginning and that the terms of settlement are neither just and fair and it is further urged that since the Federation incurred costs right from the stage of enquiry proceeding till the special Civil Application, this Tribunal should direct the management to reimburse the Federation those costs incurred by them.

So far as the contention that the terms of settlement are not just and fair, I have already narrated in brief the dispute between the parties and when considered in the light of the past history, the terms of settlement as they are can never be said to be unjust and unfair. The workman was on certain ground charged with the indictment of grave misconduct. The Federation succeeded in up-setting the said finding and therefore the parties were at square No. 1 and unless and until the management could have proved the misconduct before the Tribunal there could not have been any order in their favour. Taking therefore these factors into consideration and at the same time considering that there is still a chance of proof of misconduct, if the workman and the management entered into the settlement whereby on the side of the workmen he decided to retire against which the management agreed to pay retirement benefits in the manner in which they have done, the terms never can be described as unfair and unjust. Instead of leaving to the chance if the parties decided their own fate and agreed upon certain conditions, it should not invite any allegation of unfairness and unjustness.

7. No doubt it is true that the terms of settlement are arrived at with the workman himself but that does not mean that those terms cannot be accepted. There might be some differences between the Federation who espoused the cause of the workman and the workman but those differences should not have any reflection in the proceeding because that would be a matter for the Federation to settle with the workman directly. Merely because the Federation espoused the cause and because of their efforts the workman is being benefited that also should not be a ground to reject the terms of settlement. I can see that the Federation's efforts have become infructuous in the sense that they have not received any substantial compliments from the workman. However, only on this ground the settlement cannot be turned down. The dispute has come to an end. The parties have brought the dispute to an end and by parties I mean the real aggrieved person and the management. Therefore the terms of settlement which I have found to be just and fair have to be accepted and award shall be in those terms.

Award accordingly.

M. A. DESHPANDE, Presiding Officer

KKR/21/6/85.

[No. L-12012(402)/81-D. II(A)/D. IV(A)]

K. I. DYVA PRASAD, Desk Officer

नई दिल्ली, 17 जुलाई, 1985

का. आ. 3728.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत कोकिंग कोल लि. के पाथेरडीह कोलियर के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-1985 को प्राप्त हुआ था।

New Delhi, the 17th July, 1985

S.O. 3728.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Patherdih Colliery of M/s. Bharat Coking Coal Ltd., Post Office Patherdih, District Dhanbad, and their workmen, which was received by the Central Government on the 10th July, 1985.

(ANNEXURE)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri J. N. Sinha,—Presiding Officer.

Reference No. 74 of 1982

In the matter of Industrial Disputes under Section 10(1)(d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of Patherdih Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the employers.—Shri B. Joshi, Advocate.

On behalf of the workmen.—Shri B. B. Pandey, Advocate.

STATE : Bihar INDUSTRY : Coal

Dhanbad, the 28th June, 1985

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012(79)/82-D.III(A), dated, the 14th July, 1982.

THE SCHEDULE

"Whether the demand of the workmen of Patherdih Colliery of Messrs Bharat Coking Coal Limited, Post Office Patherdih, District Dhanbad should be paid looseman allowance/wages in addition to their tramming wages is justified? If so, to what relief are the workmen concerned entitled?"

The case of the workmen is that the trammers in Patherdih Colliery of M/s. B. C. C. Ltd. were working as piece rated trammers and in addition to their duties they were also required to work as Looseman. The trammers were performing the job as specified in the Wage Board Recommendation but the management in addition to their tramming job as per Wage Board Recommendation was also taking the job of looseman from them. Although loosemen are required to be appointed in a colliery in Cat. IV but in Patherdih Colliery no loosemen were appointed and instead the trammers are required to perform the duties of looseman in addition to their duties as trammers. The trammers doing piece rated tramming are not able to produce that much of work as they would have performed if their time would not have been consumed in performance of the job of looseman. The trammers themselves and through their union had

been demanding that the management should appoint seperate looseman or it the work of looseman is to be done by the trammers, the management should pay wages of looseman to the trammers for controlling each loose. In Seam No. 9 of the Patherdih Colliery 13 underground and three surface trammers work in a group in each shift. In Seam No. 9, 2 trammers in the underground and one trammer on the surface perform the job of looseman and they do the job of coupling, chaining of the tubs, gives signal to the haulage khalasi prior to the tubs being moved and for cutting the chains and for controlling the smooth movement of the tubs. Previously there was a system of riding on trolly along with a set of ascending and descending tubs by the set-ride, for giving signals and to keep watch on movement of tubs and they were called looseman. The Deptt. of Mines prohibited the aforesaid system of giving the signals and keeping watch on the movement of tubs and as such after the said prohibition the management is taking the said work from the trammers, and for doing the aforesaid work more men and time is consumed. For doing the said additional job in seam No. 9 two underground, and one surface trammer remain full time busy in the said work. But the trammers get their group wages on the basis of number of tubs trammed on piece rated basis. The trammers of seam No. 9 are therefore entitled to receive Cat. IV wages of 3 looseman in each shift and the said amount be distributed to all the 16 trammers working in a group equally in each shift in addition to their daily earning for doing the job of trammers. In Sean No. 8 there are 7 underground and four surface out of which one trammer in the under ground and one trammer on the surface perform the job of looseman and as such two loosemen wages of Cat. IV should be distributed amongst 11 trammers working in a group in Seam No. 8. In Seam No. 7 there are 11 trammers out of whom 7 trammers work underground and four work on the surface. One trammer in the underground and one trammer in surface perform the job of looseman and as such two looseman wages of Cat. IV should be distributed amongst 11 trammers working in a group in Seam No. 7. The management has refused to meet the just and reasonable demands of the trammers as they are the members of the Union of Bihar Mines Laljhanda union against which the management is biased and prejudiced. In other collieries of M|s. B.C.C. Ltd. the piece rated trammers are getting looseman allowance and wages for doing looseman job like the trammers in Patherdih Colliery. When the management did not concede to the demand of the workmen an industrial dispute was raised by the union before the ALC(C), Dhanbad but the conciliation proceeding ended in failure and thereafter the present reference was made. The demand of the trammers for looseman allowance in addition to their tramming wages with effect from 1-5-72 is legal and justified and as such it is prayed that an Award be passed in their favour.

The case of the management is that the present reference is not maintainable. It is stated that according to the Coal Wage Board Recommendation the trammers working in Coal Mines have been put in piece rated as well as time rated scale of pay. The piece rated trammers are placed in Group IV piece rated and the time rated trammers are placed in time rated Cat. III. At the time of the Wage Board Recommendation there used to be one workmen designated as looseman in each shift whose duty was to ride with accending as well as descending sets of tubs and to give signals to the haulage khalasi for hauling up and lowering down the set of tubs by means of rope haulages and the looseman was placed in time rated scale of Cat. IV. The practice of engaging the looseman was discontinued as the said practice was considered as unsafe and then the Chief Inspector of Mines prohibited employment of looseman in the mines. Thereafter the trammers were required to give signals from their respective places instead of riding on the set of tubs and this necessitated employment of extra trammers for controlling the movement of tubs at different points. The duties of trammers are to push the empty and loaded tubs as well as to control their movement right from the working places up to the surface of coal depot. The work of counling the sets, using sprags for breaking, putting drag at the back of ascending sets and giving signals are all incidental matters connected with the job of controling movement of tubs from underground working upto the surface which are to be done by the trammers. Since the stoppage no workman is working as a looseman and as such the question of paying difference of wages between Cat. IV and Cat. III does not arise. Formerly the difference of wages between Cat. IV and Cat. III used to be given to a trammer who used to ride on the ascending and descending set of tubs to cover up the risk involved in such operation and for effecting the economy as one trammer was able to control the movement of tubs by giving signals from different points. At present a large number of trammers are appointed in a group and no risk is involved to any one and as such there is no question of payment of extra wages. All the jobs which are presently being performed by the trammers are the duties of the trammers. The wages of piece rate trammers has been fixed after revision in such a manner that they earn more than their group wages to cover up for payment of pushing as well as for performing all incidental works connected with control and movement of tubs such as coupling signalling breaking etc. right from underground upto the surface. The demand of of the workmen for payment of looseman allowance in addition to trammers wages is not based on any principle and wage fixation and the trammers are not entitled to claim any difference of wages.

The only point to be considered in this case is whether the trammers working in Patherdih Colliery in Group are entitled to looseman allowance|wages in addition to their tramming wages.

The workmen have examined five witnesses in support of their case and management have examined one witness in support of their case. The workmen have produced documents which have been marked Ext. w-1 to W-4 and the documents produced on behalf of the management have been marked Et. M-1 and M-2 series.

It is the admitted case of the parties that formerly looseman used to work along with the trammers to do the signalling and some other jobs and as the job of looseman was of dangerous type the said job of looseman was stopped. It would be proper at this stage to see as to what was the job of the looseman which was being performed by them and what job of the looseman are being performed by the tranmmers. In Sl. No. 4 the job description of looseman is stated at page 46 of Vol. II of the Wage Board Recommendation for the Coal Mining Industry. The looseman is placed in time rated Cat. IV The job description of looseman shows that he is a workman who accompanies the set of trains of tubs when it is being hauled and who signals to the haulage khalasi prior to the tubs being moved. Admittedly, the said job of looseman has been stopped as it was of dangerous nature. MW-5 has stated in his cross-examination that no workman rides the tubs while ascending or descending while attached to the haulage. The main function and the dangerous part of a looseman was to ride on the set of tubs when it was being hauled and now no workman rides the tubs as is admitted by the witnesses examined on behalf of the workmen.

The next question is whether the trammers are now performing the job which was being performed by the looseman according to the job description given in the Wage Board recommendation. In order to consider whether the trammers are doing the job of looseman or not it will be better to find out as to what are the jobs which are to be performed by the trammers. At page 46 Sl No. 18 Vol. II of the Coal Wage Board Recommendation gives the job description of trammers and shows that a trammer is a workman who with or without assistance of other trammers pushes or controls the travel, and fully and empty tubs. This job description of the trammers was stated at the time when the Wage Board Recommendations were made and when there was the job of looseman also. The trammers were formerly in piece rated Group IV. The rate of the wages of piece rated trammers was revised and the same was increased by NCWA-I which came into effect from 1-1-75 The piece rated trammers were placed in Group V in NCWA-I. The job description of the trammers in NCWA-I is given at page 27 of NCWA-I. The job description of the trammer was changed in NCWA-I from the job description of a trammer in the Wage Board Recommendation. The job description in NCWA-I shows that the trammer is a workman who pushes and control the movement of empty and leaded tubs|mines cars either on the surface or underground. He also operates tracks safety devises, namely, drags, stop, blocks, run away switches etc and rerails, de-

railed, tubs|mines cars on or by the side of the track. It appears that since the job of looseman was abolished the trammers were given some extra job for performance, a part of which was in the job of the looseman and as such the tramming rate of wages of piece rated trammers were increased first by placing them in Group V and secondly by increasing the rate of tramming from the rate of tramming which was fixed at the time of wage board recommendation. On perusal of the job description of the trammer in NCWA-I it will appear that trammer was also to operate track safety devices namely drags stop blocks, run away switches etc. The job of controlling the movement of empty unloaded tubs naturally includes the signalling which has to be given from the surface and not by riding on the sets of tubs. NCWA-II which came into force from 1-1-79 shows that the wages of piece rated trammers who were placed in Group V was increased to Rs. 18.75 and its full back wages was also Rs. 18.15 P. NCWA-II will further show that Cat. IV time rated workers were to get @ Rs. 17.75 per day which was less than the rate of wages of piece rated Group V trammers.

The evidence of WW-I shows that they trammers, do the work of tramming, coupling of chain, signalling the change of rope on the pully to fix the drag behind the set. WW-3 has stated that the trammers besides tramming couple the tubs to be hauled, give signal and put the drag. He has further stated that the looseman rides on the tubs on the level but does not ride while ascending or descending of the tubs. The evidence of WW-3 is that the trammers who work as a looseman rides on the tubs on the level is not at all supported by any of the witnesses and this evidence of riding on the tubs deposed by WW-3 appears to be false. WW-4 has stated that they are doing extra job of coupling, signalling and draging. MW-1 who is the Agent of Patherdih Colliery has stated that the wages of piece rated trammers are fixed for the entire work of tramming and, hauling right from underground to the surface and its includes the operation of coupling, signalling putting drags, etc. The evidence of MW-1 is in consonance with the job description of trammer given in NCWA-I and I inclined to hold that the job, presently being performed by the trammers which they claim to be the job of looseman is actually the job of trammer as described in the job description of trammers in NCWA-I. The fact that the trammers were placed in Group IV to Group V also shows that a consideration was made at the time of fixing the wages of a trammer at the time of NCWA-I and as such the trammers were raised to Group V as some of the jobs which were formerly being performed by looseman were performed by them although the trammers were not required to do the job of riding on the tubs while ascending or descending and to give signal from there.

The authorisation Ext. W-1 to W-3 will not show that this was authorisation to do the work of looseman because the job of looseman had been abolished. The wage slips given to the trammers is of no help in showing that the trammers were doing the job of looseman. The management has given a chart to show the basic earning of trammers from January, 1978 to December, 1980 and have also filed Bonus Register Ext. M-2 to M-2|2 but these documents are not important in deciding the real issue in this reference.

In view of the discussion made above I hold that the concerned workmen are only performing the job of trammers in accordance with their job description and that they are not performing the job of looseman and as such they are not entitled to any extra allowance or wages of looseman in addition to their tramming wages.

In the result, I hold that the demand of the workmen of Patherdih Colliery of M|s. BCC Ltd. that they should be paid looseman allowance/wages in addition to their tramming wages is not justified and as such they are not entitled to any relief.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-20012(79)/82-D. III(A)]

का. आ 3729.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत कोकिंग कोल लि. के अंगारपथरा कोलियरी के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-1985 को प्राप्त हुआ था।

S.O. 3729.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Angarpathra Colliery of M|srs Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 10 July, 1985.

(ANNEXURE)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO 2) AT DHANBAD

PRESENT:

Shri I. N. Sinha, Presiding Officer.

Reference No. 54 of 1984

In the matter of Industrial Disputes under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES:

Employers in relation to the management of Angarpathra Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES:

On behalf of the employers—Shri B. Joshi, Advocate.

On behalf of the workmen—Shri J. P. Singh, Advocate.

STATE: Bihar INDUSTRY: Coal

Dhanbad, the 29th June, 1985

AWARD

The Government of India in the Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012|212|83D-III(A), dated the 6th December, 1983.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that Shri Ganesh Prasad Singh, Sanitary Inspector, Angarpathra Colliery of Messrs. Bharat Coking Coal Limited should be placed|promoted to clerical Grade-I is justified ? If so, to what relief is the said workmen entitled and from what date ?"

After issuance of the notices to the parties they appeared and filed their respective W. S. Shi J. P. Singh, Advocate appearing for the workman submitted that since the concerned workmen has got his proper grade, he is now no longer interested in contesting this reference and that the case be disposed of accordingly

In view of the fact that the concerned workman is not interested as he has got the proper grade. It appears that

there remains no more dispute between the parties and I accordingly pass a no dispute Award in this reference.

This is my Award.

I. N. SINHA, Presiding Officer.

[No. L-20012(212)/83-D. III(A)]

नई दिल्ली, 18 जुलाई 1985

का. आ 3730 औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय खाद्य निगम कुरनूल के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 जुलाई, 1985 को प्राप्त हुआ था।

New Delhi, the 18th July, 1985

S.O. 3730.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Kurnool (A.P.) and their workmen, which was recived by the Central Government on the 9th July, 1985.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT:

Sri J. Venugopala Rao
Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 90 OF 1984.

BETWEEN

The Workmen of Food Corporation of India, Kurnool.

AND

The Management of Food Corporation of India, Kurnool.

Apperances:

Sri B. Nagi Reddy, Advocate for the Workmen.

Sri M. V. Bharathi, Advocate for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012(23)|84-D.V. dated 21-11-1984 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Food Corporation of India, Kurnool, A.P. to this Tribunal for adjudication.

> "Whether the management of Food Corporation of India, Kurnool is justified in terminating the services of Shri U. Ramanjuneyulu, Ex-Watchman with effect from 25-4-1977? If not, to what relief the workman is entitled?"

This reference is registered as Industrial Dispute No. 90 of 1984 and notice were issued to the parties.

2. In the claims statement it is mentioned that the petitioner workmen U. Ramanjaneyulu is appointed as Watchman on daily rated basis with effect from 22-3-1976 and that he was continuously working ever since his appointment being attached to Timmencherla. According to him all appointments in the Food Corporation of India have been made initially on daily rated basis in Andhra Pradesh Region even though there were clear vacancies and the F.C.I., Head quarters issued circulars to the Regional Managers, Hyderabad to treat the period of service of daily rated employees as adhoc appointment with effect from 8-1-1976. According to him even subsequent appointees also shall be given benefits of scales. It is his case that the Respondent did not implement the direction of the Headquarters.

(a) While so, the petitioners services were terminated with effect from 25-4-1977 without any reasonable cause or notice. The matter was taken up by the Union immediately and the matter was also finally raised before the Assistant Commissioner of Labour (Central) for conciliation but without any effect of reinstatement.

(b) It is his case that the termination of service is illegal and invalid and the same is in violation of the Industrial Disputes Act. It is also his case that the employees who were appointed later to the Petitioner were retained in service and thereby the Respondent contravened the provisions of Section 25-G of the I.D. Act. According to the Respondent also opened number of depots subsequent to the termination and when there are number of permanent vacancies who should have reinstated them. Since he is eligiable to hold the post of Watchman and he had experience and necessary qualification prescribed. The Petitioner should have been entitled for regular scale, attached to the workmen ever since he was appointed in view of the circular orders. Moreover in June 1984 the Management entered into a settlement with the Union and granted regular appointment to all the daily rated staff. But for the illegal termination the Petitioners could have got all the benefits under the said settlement.

3. In the counter it is mentioned that the daily rated watchman have no service conditions than the principles of work and pay. The claimant petitioner in this case was exwatchman working at Open Storage Godown at Timmencherla and the services were terminated as the open Storage Godown system was abolished and the very nature of godown was to store the paddy for temperary period. It is mentionted that the service of casual labours such as the petitioner were terminated due to closure of open Storage godown and transfer of entire goods to permanent godowns. It is also pointed out as an economic measure the Management has to cut off the dead wood and streamline the administration. According to him the facts of the case attract provisions of Section 25 FFF of the I.D. Act, and the workmen is not entitled for reinstatement and his termination is justified. According to him the casual labour has no right for reinstatement or re-appointment even though he completes 240 days of continuance attendance in a year within the meaning of Section 25-B of the I.D. Act. It is also mentioned that the circular is not an authority to reappointment and there is no guarantee of reappointment of fresh appointment in service are not applicable to him. It is also mentioned that he did not require notice of termination. He denied opening of new depots and vacancies being available. In the instant case the recruitment of Employment Exchange candidates was held on 31-3-1977 and termination was affected on 25-4-1977. All the claims of the workmen are not tenable.

4. On behalf of the workmen, the Petitioner himself is examined as W.W1 and marked Exs. W1 to W6. While the Respondent-Management examined M.W1 and marked Ex. M1.

5. W.W1 stated that he worked as Watchman at Timmencherla Depot from 22-3-1976 to 25-4-1977 and he was terminated 25-4-1977 without any notice. According to him is a daily rated watchman working on adhoc basis at F.C.I., Timmencherla. He marked the certificate issued by the District Manager, F.C.I. to show the same as per Ex. W1 and he also marked termination order given to him on Ex. W2. He marked service certificate as Ex. W3. According to him he approached the authorities for conciliation to settle their dispute as per Ex. W4. He also marked the service particulars as given by the District Manager showing the statement of details of ex-watchmen who worked at Timmencherla Depot including himself as Ex. W5. According to him he should be considered for reinstatement as was done in the case of S. A. Basha, S. Arshad Bashaand Sriamamurthy. The Food Corporation of India (Staff) Regulations 1971 as amended on 4-2-1976 is marked as Ex. W6, and mentioned that there is provision for reinstatement. Ac ording to him Ex. W7 (marked in I.D. No. 81 of 1984) is a representation made by him for reinstatement to the Depot Superintendent, Timmencherla and that he is unemployed all these years and he also expressed himself to appoint him as a fresh candidate without insisting back wages to provide any watchman job by the Food Corporation of India.

6. The evidence of M.W.-1 who is the District Manager F.C.I. Branch is to the following effect. He deposed that due to heavy receipt of imported wheat in 1976 and to accommodate the said stock large units of private godowns were taken on hire. According to him to protect the said stocks

he appointed Watchman on daily rate basis depending upon volume to stocks. He marked Ex. M1 to show that the Petitioner is appointed as daily rated watchman by filing his particulars of attendance and wages. According to him as per Ex. M2 which is dated 4-2-1976 (marked in I.D. No. 81/84) it was stated that where the officials were taken before 25-1-1976 without Employment Exchange channel, such officials should be interviewed along with the candidates sponsored through Employment Exchanges and regularise with effect from date of much employment. In case such an interview has already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. He admitted that under Ex. M3 dated 26-2-1983 is one of the orders (marked in I.D. No. 81/84) by the Senior Regional Manager reinstating S.A. Basha and Arshad Basha. In the cross examination he admitted that the workman was in service for a total period of 366 days by the time he was terminated. According to him during that settlement they might have terminated 100 people who were temporarily working as watchman and witness admitted after seeing Ex. W7 (marked in I.D. No. 100/84) that Sriramamurthy is reinstated as Watchmen with the same terms and conditions on which he was working earlier and there was a Memorandum of Settlement dated 15-2-1983 with reference to S. Arshad Basha and S.A. Basha as per Exs. W8 and W9 (which are marked in I.D. No. 100/84). He conceded that the petitioner should have intervened candidates sponsored by the Employment Exchange channel vacancies which are filled after 4-2-1976. He also admitted that in view of the clarification he should have been regularised with effect from such date of interview after 25-1-1976 provided he is appointed prior to 25-1-1976. He denied that the termination of the petitioner on 25-4-1977 is illegal and invalid. He admitted that F.C.I. is now expanding and progressing Corporation and it required lot of man power.

The admitted facts are the petitioner worked as daily rated watchman at Timmencherla in the Food Corporation of India Godowns from 22-3-1976 to 25-4-1977 and it is elicited that in the evidence of M.W.1 that he had put in a total period of 366 days in all by the time he was terminated. It is also conceded that as per Ex. W5 and also as per Ex. W2 and W1 read with the oral evidence that the petitioner had requisite qualfication to be appointed as Watchman and that under Exs. W1 and W2 termination was done without notice. The order of appointment would show under Ex W1 that he will be paid daily wages for the days of work as per the usual allowance. Failure conciliation report marked under Ex. W4 would show that the management though was directed to apply the Circular namely Gazette Notification dt. 4-2-1976. The Management mentioned that it is not possible to give effect for the said Circular. Now the circular dated 4-2-1976 mentioned that it was a Gazette Notification amending the Food Corporation of India (Staff) Regulations and it is mentioned that the said Regulation should have come into force on 27-1-1976 and the same should be added to the existing proviso of the F.C.I. Regulations namely "provided further that such of the employees who were recruited on daily rate basis for periods of less than 3 months or on purely temporary basis and whose services have been retained after allowing periodical breaks, shall also be eligible to be considered for appointment against direct recruitment along with candidates sponsored by the respective Employment Exchange." It means that the Food Corporation of India, Head Office, amended the regulations to consider these employment who were employed as daily rated for periods of less than three months or purely temporary basis and whose services have been retained after filing periodical breaks, shall be eligible for appointment against direct recruitment along with the candidates sponsored by the respective Employment Exchanges, and the same is also brought to the notice of the Regional Manager, F.C.I. under Ex. W7. The Management did not act wisely. Moreover it is admitted that on an earlier occasion Shri S. A. Basha, S. Arshad Basha and Sriramamurthy were reinstated by the Management. In similar circumstances in the case of Sriramamurthy. He was reappointed without back wages and given continuity of service for payment of terminal benefits by the Headquarters of the F.C.I. and in the case of S.A. Basha, and S. Arshad Basha the Management entered into a settlement on similar terms. Now in the instant case when the employee worked for 366 days and when he is having all the requisite qualfication to be considered for regularisation as Watchman being S.S.C and also employment registered candidate, in the light of the Circular Ex. W7 the management should have considered this person who is terminated without any notice for appointment against the direct recruitment of candidates sponsored by the respective Employment Exchanges. This is a mandatory provisions as per the ameneded F.C.I. Regulations. It is admitted that there was recruitment of candidates even under Ex. M2 as per the clarification of the circular where officials had been taken before 25-1-1976 without Employment Exchange channel such officials should be interviewed along with the candidates sponsored through Employment Exchange and regularise with effect from the date of such employment and in case such interview had already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. Now subsequent to this clarification it is admitted that under Ex. M3 (marked in I.D. No. 81/84) the reinstatement of S.A. Basha and S Arshad Basha were done. The Management conceded that the petitioner should have been interview the candidates sponsored by the Employment Exchange channel when there are vacancies which are filled after 4-2-1976 and it is also conceded even by the clarification under Ex. M2 there should have been regularised with effect from such date of interview after 25-1-1976 provided appointed prior to 25-1-1976. In this case on 22-3-1976. According to the Management the said clarification under Ex. M2 and Ex. W6 will not apply to those persons who are appointed after 25-1-1976. When the persons are governed by the F.C.I. Regulations and Regulations are amended with reference to the persons who are appointed prior to 25-1-1976 and there is notification issued on 4-2-1976 and clarification was also given under Ex. M2 now these persons should be interviewed and appointed. It cannot be said that the said Exs. M2 and W6 had no prospective application to the candidates who were appointed subsequently. When the same is applicable retrospectively it automatically follows that the same is also applicable prospectively. Now the question of workmen completing more than 240 days of service in a calender year for being considered under the provisions of the I.D. Act is not at all applicable to this case. The very Exs. W6 and M2 and the subsequent action of the Management with reference to the reinstatement of Sriramamurthy, S.A. Basha and S. Arshad Basha in the light of notification dated 4-2-1976 and the subsequent clarification Ex. M2 would show that the Management clearly violated the mandatory provisions of Section 25F of the said I.D. Act and the said termination is abinitio void. Moreover there is clear evidence and admission that after this petitioner is terminated the Management recruited some persons through Employment Exchanges. While so when the candidates were sponsored by the Employment Exchanges were interviewed the petitioner was not called for the selection and the action of the termination of the service of the petitioner in not calling for interview along with them is contrary to the rules and Regulations of the F.C.I. it is not in dispute that some new persons were appointed on regular scales after these petitioners and others numbering about 100 were terminated. This is in violation of Section 25(H) of the I.D. Act and the contention of the Management that there was no necessity of continuing the post of Watchman is absolutely ill-founded and baseless. The evidence of W.W1 and M.W.1 when read together would show that termination is aimed only for denying the regular status of watchman to the petitioner and that the termination is mala fide and colourable exercise of powers by the Management.

8. In fact the appointment of daily rated workmen was banned by the F.C.I. by circular dated 4-2-1976 and subsequently modified circular dt. 20-12-1977 under Ex. M2 the employees were working on daily rated basis were all adhoc appointment provides under F.C.I. Regulation. The petitioner is also entitled for the scales from the date of his appointment i.e. 22-3-1976 till his services were terminated on adhoc basis. The argument of the Management is that watchmen were recruitment at Open Storage Godowns and that the Open Storage Godowns system was abolished and therefore the service of casual labour were such as the petitioner were terminated due to closure of the Open Storage Godowns and transfer of entire stocks to permanent godowns as not at all borne out by record. There is no evidence that these petitioners and others like him were subsequently engaged for looking after the hired godowns. There was also no evidence to show that the so called hired godowns handed over back to the respective owners. Moreover when similarly placed daily rated watchman like Sriramamurthy, Arshad Basha and S.A.

Basha were reinstated and when similarly placed daily rated watchman working at Sanathnagar were given regular posts of Watchman in January 1985 from the date of their appointment including seniority and other benefits.I must hold that the said termination of this workman is in violation of Section 25F of the I.D. Act and that the said termination must be held to be illegal. Moreover the petitioner is now overaged, he cannot be compelled to seek employment elsewhere and it is also elicited that he was not able to secure any employment and that he was working as hired labour and when there are admitted vacancies under the control of Senior Regional Manager, Hyderabad, must be held that the petitioner can be easily accommodated for the post of Watchman and it is also admitted that there is expension scheme and the F.C.I. is approgressing Corporation and it required let of man power. Having regard to all these circumstances I hold that the termination of U. Ramanjaneyulu is illegal and he is directed to be reinstated forthwith without back wages but at the same time with continuity of service for the purpose of payment of terminal benefits as is done in the case of Sriramamurthy, S. Arshad Basha and S. Basha. I therefore hold that the Management of Food Corporation of India, Kurnool is not justified in terminating the services of Sri. U. Ramanjaneyulu, Ex-Watchman with effect from 25-4-1977 and that further directed that he should be reinstated forthwith without back wages in the given circumstances but with continuity of service for payment of terminal benefits. The petitioner also expressed his willingness to work at any where if posted in entire zone and the same will not cause any difficulty in way of administration for fixing them properly without inconvenience to any one.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 22nd day of June, 1985.

Sd.|- Illegible
INDUSTRIAL TRIBUNAL

Appendix of Evidence.

Witnesses Examined for the Workman :	Witnesses Examined for the Management :
W.W1 U. Ramanjaneyulu	M.W.1 I.V. Ramana Murty

Documents marked for the Workman:

Ex. W1—Photostate copy of the Office Order dt. 22-3-76 issued by the District Manager, Food Corporation of India, Kurnool to U. Ramanjanyulu.

Ex. W2—Termination Order dt. 27-4-77 issued by the District Manager Food Corporation of India, Kurnool to U. Ramanjaneyulu.

Ex. W3—Service Certificate dt. 29-4-77 issued by the Assistant Manager (Depot) Food Corporation of India, Thimmancherla (Guntakal) to U. Ramanjaneyulu.

Ex. W4 Failure of Conciliation Report dt. 9-4-84 between the Management of Food Corporation of India, Kurnool and their workmen U. Ramanjaneyulu under Section 12(4) of the Industrial Disputes Act, 1947.

Ex. W5 Photostat copy of the Statement showing the details of ex-workmen at Thimmancherla Depot.

Ex. W6 —Photostat copy of the notification dt. 4-2-76 issued by the Food Corporation of India, Head Office, Nw Delhi with regard to staff regulations, 1976.

Documents marked for the Management:

Ex. M1 —Statement showing the Service particulars of U. Ramanjaneyulu.

INDUSTRIAL TRIBUNAL
25-6-85.

Sd.|- Illegible
[No. L-42012(23)/84-D.V]

नई दिल्ली, 18 जुलाई, 1985

का. आ. 3731.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय खाद्य निगम, कुरनूल के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 जुलाई, 1985 को प्राप्त हुआ था।

New Delhi, the 18th July, 1985

S.O. 3731.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India Kurnool (A.P.) and their workmen, which was received by the Central Government on the 9th July, 1985.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Sri I. Venugopala Rao, Industrial Tribunal.
Industrial Dispute No. 36 of 1982

BETWEEN

The Workmen of Food Corporation of India, Nellore (A.P.)

AND

The Management of Food Corporation of India, Nellore (A.P.).

APPEARANCES :

Sri D.S.R. Varma, Advocate—for the Workmen.

Sri M. V. Bharathi, Sri Ravindra Bharathi, Miss N. B. Ragini and Miss Nisha Arora, Advocates—for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42011/29/81-D.IV(A), dated 21-5-1982 and L-42011/29/81/DIV A, dated 25-8-1982 referred the following dispute under Section 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Food Corporation of India, Nellore to this Tribunal for adjudication :

"Whether the management of Food Corporation of India, Nellore is justified in refusing wages to the under-mentioned workmen for the periods mentioned, against each on the plea that they are the workmen engaged through contractor? If not, to what relief are the concerned workmen entitled?"

S. No.	Name of Workmen	Period
1.	Shri M.A.N. Raju	3-3-1980 to 24-8-1980
2.	Shri Shaik Mastan	-do-
3.	Shri Shaik Mannesaheb	-do-
4.	Shri Shaik Basha	-do-
5.	Shri G. David	-do-
6.	Shri Shaik Moula Saheb	-do-
7.	Shr P. Mastan	-do-
7.	Shri P. Mastan	-do-
8.	Shri Shaik Mastan Saheb	-do-
10.	Shri M. Kollapuri	22-3-1980 to 24-8-1980
11.	Shri E. Venkureddy	-do-
12.	Shri M. Chandrama	-do-
13.	Shri L. Venkaiah	-do-
14.	Shri J. Francis	1-4-1980 to 24-8-1980
15.	Smt. J. Venkamma	-do-
16.	Smt. G. Ramnamma	-do-

This reference was registered as Industrial Dispute No. 35 of 1982 and notices were issued to both the parties.

2. In the claims statement it is mentioned that all these 16 workmen are the employees of Modern Rice Mills of Food Corporation of India, Nellore and they are being in continuous service for several years. According to the workers then Industrial Dispute No. 13 of 1979 in respect of service conditions of 16 workmen were pending before this Tribunal. The Management of Food Coropration of India, Nellore have contravened the provisions of law by throwing all the workmen out of employment for several months even without notice and refused to pay wages during that period. According to him they filed Miscellaneous Petition M.P. No. 86 of 1980 in the Labour Court, Guntur claiming wages for the said period. The Labour Court in its order dated 1-2-1981 observed that the main dispute in I.D. No. 13/79 is pending before the Industrial Tribunal, the petitioner cannot straight away have monetary benefits which cannot be granted unless the Industrial Tribunal holds that these petitioners are the employees of the respondent Food Corporation of India and so the Petitioners are advised to put their claim after disposal of the Industrial dispute pending upon the result of the industrial dispute subsequently this Tribunal held in I.D. No. 13 of 1979 that these petitioners are employees of the Food Corporation of India. The Industrial Tribunal negatived the contention of the Management that these workers were engaged through Contractors. Thus the Management is bound to pay full wages for the periods mentioned against each name and the workers are justified in asking the respondent to pay full wages with interest also as the workers had suffered very much in many ways. It is mentioned that the first nine workers in the list have to be paid wages for the period from 3-3-1980 to 24-8-1980 and the next four workers whose serial numbers are 10, 11, 12 and 13 have to be paid wages for the period from 22-3-1980 to 24-8-1980. The remaining workmen in the schedule whose serial numbers are 14, 15 and 16 have to be paid wages from 1-4-1980 to 24-8-1980 All the above workers are entitled not only full wages for the periods shown above but also to reasonable interest and costs.

3. In the counter it is mentioned that one of the petitioner M. Kolapuri at S. No. 10 is working in the Mill during 1970 and the rest of the four petitioners i.e. S. Nos. 11, 12 14 and 16 are attending the Mill from 1971 doing odd jobs. They are only working on daily rated basis. Shaik Mastan in S. No. 2 worked from April, 1973 only. As they were appointed on daily wages with clear indication that their appointment are purely temporary and they are likely to be terminated at any time without notice, they had no accrued rights. They were not serving the Respondent regularly but they were attending when suited them and absenting from duty frequently. Subsequently from November 1973 onward the H & T Contractor Sri P. Veeraswamy was appointed and these labourers engaged by the said Contractor as per the terms and conditions of the contract. The wages for these six casual labourers were paid Rs. 3.25 Ps. per male and Rs. 2.50 per female by the Respondent till November 1973 and thereafter wards the H & T Contractor paid them at higher rates from 27-2-1983. From February 1977 to March 1980 the Food Corporation of India was engaging casual labourers pending the finalisation of Handling and Transport Contract. Thus casual labourers later continued to work under the Contractor Sri T. Ramanaiah from 25-8-1981 to 27-5-1981 and continue for working with another contractor Sri M. Seshaiah from 28-5-1981 to till date. During May 1979 there was devastating cyclone which affected the lives and property in Nellore District and valuable food graine stocks of the F.C.I. in open and covered Godown in an daround Nellore were damaged and salvaging operation were undertaken on a mass scale. These casual labourers working at Modern Rice Mills were deputed to Raja Open tSorage Depot and other depots for salvaging operations on sympathetic grounds. One Sri K. P. Venkateswarlu is appointed on adhoc handling and transport contractor of the Modern Rice Mills, F.C.I. Nellore from 5-1-1980. But he could not take up the work as the Pettiioner refused to work under the contractor and they have not allowed the other labour of the contractor to work in the Mill, which resulted in closure of the mill from 5-1-1980 to 24-8-1980. Regular milling could have been commenced from 5-1-1980 if these labourers attended work under the handling transport contractors. This has resulted in the mill incurring loss by payment of Rs. 18,300.00 towards salary for staff. Rs. 2,500.00 towards electricity charges and Rs. 42,000.00 less per month towards non-functioning of the mill.

(a) As the Raja Open Storage Godown, Nellore has been vacated and as there was no work in the covered and storage units and because of the petitioner refusal to work for Sri K. P. Venkateswarlu and to receive wages from him, the Petitioners cannot claim any wages from 3-3-1980 to 24-8-1980 since they have not attended any work during that period nor they have presented themselves for work at the establishment at least once a day during the normal working hours. Since the Tribunal in its Award in I.D. No. 13 of 1979 clearly negatived the demand of the casual labour for permanency and thus they are not eligible for any wages for the period from 3-3-1980 to 24-8-1980. Hence the demand for payment of wages for the said periods are not tenable and should be negatived. This reference is bad in law and the judgement in I.D. No. 13 of 1979 operates as res judicate.

4. The workers examined three witnesses W.W.1 to W.W.3 and marked Exs. W1 to W32. On the other hand the Management examined five witnesses M.W.1 to M.W.5 and marked Exs. M1 to M30, and there are third party documents through M.W.4 which are marked as Ex. X1 to X9.

5. W.W.1 is one M. Kolapuri, workman in the Modern Rice Mills of Food Corporation of India since 1970. He deposed that he was working there ever since starting of the Mill by the F.C.I. without break. It is his case that he was appointed as unskilled worker and the Mill originally started with single shift began to work on three shifts from 1974. According to him he along with the persons mentioned at S. Nos. 2, 5, 11, 12, 14 and 16 and another Ramaiah were originally appointed in the Mill and the other persons mentioned in the reference are subsequently employed in 1970. It is his case that all of them employed were by the Engineer incharge and Unit Manager of the F.C.I. Nellore and they were given wages at the rate of Rs. 3.25 per day and subsequently the rate was raised from time to time and presently they were paid at the rate of Rs. 9.00 per day. According to him, the Management was deducting the portion of the said wages towards Provident Fund and the duties are assigned by the Management for paddy cleaning near Silo, brushing the Gyre shifter to enable the free flow of broken rice, cellecting bran and germs and filling the same is gunny bags, stencilling them in rows upto a height of ten feet, an stacking them, sweeping in side the mills etc. Ex. W1 is worked as the utilisation statement of the withesses. According to him the alleged P. Veeraswamy never appointed any one of them during his contract period from 1974 to 1977. During that period the Maangement get the work done by the said workers in the Mill as per W.W.1. He deposed in 1978 he worked for 272 days and in 1977 he worked for 285 days. According to him, the Management stopped him doing work from 22-3-1980 and along with him workers at S. Nos. 11, 13 and 16 were also stopped. prior to that 9 workers namely Shaikh Mastan, Nene Sahib, David, Moula Sahib, Kale Sha and others were stopped by the Management from 3-3-1980. It is also his case that subsequent to their stoppage four other workers namely

Francis and others were stopped by the Management and they were not given any resson for stopping them from rendering service. The Management when questioned wanted them to rejoin as fresh candidates. In the cross examination the appointment order is filed in the court is another matter. According to him for the last one year at the time of deposition their attendance in the mill is not being noted in the Attendance Register. According to him the shift incharge would supervise the work of the workers in the shift and that if any worker in a shift is late by 10 or 15 minutes the corresponding workers of the previous shift will be working till the arrival of the next shift person comes. He admitted that they refused to sign the wages receipt when P. Ramanaiah H & T Contractor demanded for their signatures. According to him they are employees of the Management of Food Corporation of India and thus they refused to sign the wage receipt as demanded by the Contractor.

6. W. W2 in one J. Francis who worked as unskilled labour in the Food Corporation of India Mill, Nellore. According to him in 1979 when they agitated for permanency the matter was referred to Tribunal in I.D. No. 13 of 1979 and he marked Ex. W2 as the conciliation proceedings and Ex. W3 as the copy of the letter of the Conciliation Officer dt. 28-2-1979 to the Government of India, Ex. W4 as the reference in I.D. No. 13 of 1979. Ex. W5 as the copy of the Award in I.D. No. 13 of 1979 and Ex. W6 as the order of the Government of India dated 9-12-1979 when the award was published by the Government. According to him the Management stopped him from doing work from 1-4-1980 and along with him persons at S. Nos. 15 and 16 were also stopped. W. W2 deposed that they questioned the management, when they were stopped by the Management replied that there is no work in the Mill. He deposed that they worked in Raja Open Storage Godown on account of the cyclone operations as directed by the Management. He marked Ex. W7 docket order of the Labour Court in M. P. No. 86 of 1980 dated 2-2-1981. He also stated that Ex. W8 written to the District Manager by the Union President on dt. 13-8-1980. Ex. W9 is the copy of another letter written by the President of the Union to the District Manager on 23-3-1980. The reply given by the District Manager to their Union President is dated 23-9-1980 written by the President of the Union to the District Manager. According to him they communicated their protest in writing and obtained the signature of T. Ramanaiah. as per Ex. W12. The notice given by H & T Contractor Sheshaiah as marked as Ex. W13 addressed to the workers and the reply given by them is marked as Ex. W14. Ex. W15 is the postal acknowledgement with regard to the same. Ex. W16 is the copy of the statement of Bonus bill for the workers of the Mill for the year 1977-78 and Exs. W17 is the copy of the similar statement for the year 1978-79. In cross examination he admitted that he gave deposition in Guntur Labour Court. According to him the Management of F.C.I. was giving them charge memos whenever there were any draw back of the workers. He admitted that he studied upto S.S.L.C. According to him they were attendance reolster maintained at the Modern Rice Mills during the period when they worked. He marked Ex. W18 copy of the office order as per which they were deputed to work in R.O.S.D. and Ex. W19 is the copy of the statement showing the number of days when they work at R.O.S.D. from June 1979 to September. 1979. When the witness was recalled on 17-1-1983 some more documents were marked, they are Ex. W7 to W32.

7. W.W.3 is a worker working in Modern Rice Mills, Nellore since 1970. He marked Ex. W1 as the copy of the statement prepared by the Management on the basis of the Attendance Register. According to him he was stopped from working by the Management with effect from 3-3-1980 without any notice, and similarly the management also stopped the workers at S. Nos. 1, 3 to 9 with effect from 3-3-1980 and further the Management stated that they would inform the Union President as to when they should rejoin duty. In that connection marked Ex. W22 as the copy of the Contractor Sheshaiah to the Management regarding their Bonus. He asserted that he worked for more than 240 days in the year 1977. He identified as Ex. M1 wages register maintained by the Mill.

8. M.W.1 is Assistant Grade III Clerk of the Food Corporation of India working since 1975. According to him he did not maintain Attendance Register of workers when they were working directly under the Management. He could not say who was maintaining the Attendance Register then. It seems he did not maintain Attendance Register even workers worked under the Contractors. He could not say who was controlling and supervising workers in the Mill. He could not say what work the contractor was extracting.

9. M.W.2 is the Unit Manager of the Modern Rice Mills, F.C.I., Nellore since 1980. According to him these employees under the reference are casual labourers and they are not permanent employees According to him except W.W. 1 all others are appointed on a dhoc basis temporarily and he marked Ex. M2 office order in this connection. He marked Ex. M3 is printed copy of the Staff Regulation to snow at page 72 the different jobs under Category IV are dealt. Ex. M4 is the copy of the instructions dated 23-2-1972 received by the Senior Regional Manager Hyderabad regarding the filling up of vacancies of Assistant Mechanics and unskilled workers. According to him as per Ex. M2 along with W.W.1 three others were appointed. He marked Ex. M5 as the copy of the order of appointment of Vasant Kumar to the post of unskilled worker dated 23-8-1974. He marked Ex. M6 of the copy of the details of casual labour engaged for the year 1976-77 by the contractor P. Veeraswamy. According to him the casual labour engaged by the contractor for collecting bran, germs, broken rice and all the bags are stitched and stacked by the casual labour. According to him the contractor submitted one bill for the casual labour supplied by him and another bill for Handling and Transport charges. According to him the Modern Rice Mill engaged three casual labourers supplied by the Contractor for each shift for doing odd jobs like removing of straw near the silo and removal of foreign matter near paddy cleaner. One casual labour for each shift in the mill is engaged for sweeping and collecting the spill over paddy and rice and for cleaning the same. According to him the last casual labourer mentioned is one among the three workers stated by him. According to him on the basis of work turned out they will issue work slips to the contractor and based upon the work slips the contractor claims the amount by submitting his bills. He marked Ex. M7 to M26 to show various proceedings and statements and letters with reference to the problem on hand. In the cross examination he admitted that he is the head of the administration of the Modern Rice Mill being the Unit Manager. He conceded that the Unit Manager employed workers on S. Nos. 11, 12, 14 and 16 and W.W1 and W.W.2. According to him if the worker did not work properly they assign the duties they report to the Contractor. He admitted that all these 16 workers involved in this dispute were working in the Rice Mill when Sri K. P. Veeraswamy was appointed as contractor. He also admitted by the date of apointment of the said Veeraswamy as contractor, there were disputes between the workers and the management of FCI and I.D. No. 13 of 1979 was pending before this Tribunal. After issuing Exs. W23, W24 and W25 he conceded that the said Venkureddy wrote letters to FCI and the Regional Office also wrote a letter to the Assistant Manager, Hyderabad and he conceded that Sri K. P. Veeraswamy could not work as contractor in the Mill even for a single day. He conceded that there is a change of contractors from time to time, the same workman continued to work in the M.R.M. As the money payment was delayed by Veeraswamy the Union wrote Ex. M9 letter and conceded that the detail work statement as shown as Ex. W1 is correct. He admitted under Ex. W6 dated 36-1978 he issued a charge memo to W.W. 3 and others for absenting themselves from duty.

10. M.W.3 is the Manager of Modern Rice Mills, F.C.I., Nellore from 16-9-1976 to 5-6-1980. He admitted that after the second and third shift started they engaged 16 labourers in addition to W.W.1. According to him these labourers were not employed by the Management and the contractor

was supplying labourers to the rice mill. He marked Ex. W27 as the contractor between the Management of Rice Mill and Contractor Veeraswamy. According to him once in fortnight the contractor used to submit his bill claiming the wages of casual labour regularly among other things and the Management of the Rice Mill used to pass and forward the same to the District Office of the FCI for payment. He marked Ex. M26 as one such bill given by the Contractor for the period from 1-10-1974 to 15-10-1974. He admitted Exs. M15 to M24 are the Attendance Registers maintained by the Rice Mill when he was the Manager and also mentioned that as per Ex. M3 they have no power to make casual labourer as permanent employees. According to him, he and M.W.2 prepared the conciliation statement for the absence of the workers as per Ex. M29. He admitted that he issued charge memos to the workmen but he did not take any disciplinary action. According to him there are no Standing Orders for the Mill and the F.C.I. is the owner of the Mill. He could not say any of these contractors have got any licence as Contract Labour Act. According to him the District Manager of the F.C.I. is the final authority to appoint adhoc contractor. He conceded that the workers were given 8 festival holidays by the Mill and the Management deducted contributions for the Provident Fund from their wages. He mentioned that the F.C.I. was formed on 1-1-1965. He conceded that K. V. Subbamma Sweeper of the Mill office was made regular and permanent also subsequently.

11. M.W.4 is T. Ramaniah was labour in Modern Rice Mill, Nellore from 15th August 1980 to 27-5-1981. He marked Ex. X1 to X8 as the wage register maintained during his period of contract and Ex. X9 is the Provident Fund Register. According to him he never maintained Attendance Register for the workmen. It is his case that all the 16 workers were paid for the number of days they worked only on the basis of the Register maintained. He admitted that these 16 workers were working from the beginning. According to him by the time he took the contract the Mill was not running. He conceded that the workers stated to him that they were the employees of the M.R.M. and would not be his employees and that there was a case pending in the Tribunal. According to him when he did not know accounts Veeraswamy used to look after the accounts work and his Clerk Raghavendra Rao did not write entries in his presence and he conceded that these were not maintained from day to day.

12. M.W. 5 is one K. P. Venkateswarlu who gave tender for Handling and Transport contract in F.C.I., Nellore, M.R.M. by depositing necessary earnest money. He marked Ex. M30 as the copy of the intimation sent by the District Manager. According to him the contract period is from 5-1-1980 to 4-4-1980 and he did not start work as the workers refused to work on the ground that there were labour disputes pending. According to him even the workers brought by him from outside were not allowed to work. He identified the letters Exs. W23, W24 and M12 written by him in this connection.

13. The admitted non-controverted facts are as follows :— The Food Corporation of India which is a public utility concern established the Modern Rice Mills (hereinafter called as M.R.M.) and started working from 15-6-1978. In the beginning the Food Corporation of India Management run the mill in one shift from 1970 to 1973 and thereafterwards three shifts from 1974 onwards. Each shift of Eight hours and the casual labourers who are engaged were being paid at the rate of Rs. 3.25 per day and the same was raised from time to time and ultimately they are paid at the rate of Rs. 9.00 per day. All the workmen involved in this reference are unskilled workers and their employment was without any order except in the case of the worker by name Kolapuri (S. No. 10). The said Kolapuri (WW-1) was shown to be appointed after selection as temporary unskilled worker along with three others under Ex. M-2 by the Management. All the others have been working and being treated as casual labour since beginning. There is no dispute as per the evidence of WW-1, WW-2 and WW-3 and MW-2 and MW-1 that the other petitioners namely S. Nos. 2 11, 12, 14 and 16 were attending from 1971 and that S. No. (WW-3) worked from April 1973 and all these are casual labourers. These workers have to work in three shifts. Ex. W-1 utilisation statement of casual labourer for each shift. In other words there are eight casual labourers per shift as per Ex. W-1 and the Mill was working round the clock throughout of the mill. The duties of these labourers who are working on daily rate basis as casual unskilled worker is for paddy cleaning, brushing Gyro shifter, collecting bran and germs and filling in gunny bags, stencilling the gunny bags and stacking bags and sweeping inside the mill etc.

14. It is the admitted case of the Management that from the time the M.R.M. started in 1970 till October, 1973 the unskilled labourers were employed as per the utilisation statement for each shift and thereafterwards the management thought fit to entrust the policy of engaging the labour through contractors known as Handling and Transport Contractors (H & T Contractor). So when the Management resorted to Policy of engaging labour through contractors, the workmen raised I. D. No. 13 of 1979 in respect of service conditions pertaining to them.

15. It is now worth noting that the I. D. No. 13 of 1979 which was pending at that time when these workers were thrown out of employment was ultimately disposed off by this Tribunal. The award is marked as Ex. W-5 It is dated 18-11-1980. In the said award the present WW-1 and WW-2 were also examined as WW-1 and WW-2. The present MW-3 is examined as MW-1 in the said award. It is worthwhile to briefly summarise the findings under Ex. W-5. The most of the workers in I. D. No. 13 of 1979 are the workers involved in the present dispute. The reference was with reference to the demand of the workmen of M.R.M. of Food Corporation of India, Nellore for grant of permanent status, enhancement of daily rate of wages, grant of 15 days sick leave and supply of two pairs of khaki uniforms to each worker every year. The Tribunal held these workmen worked in the mill from 27-2-1977 and the Management paid wages to them and from 27-2-1977 these can only be treated as employees of the Rice Mill. Finally in 18th para it is held with reference to point 1 that subsequent to 27-2-1977 these workmen were employees of the Management so by the date of this reference in 1979 it was held that these workers were employees of the Management and as such the reference is maintainable. With reference to point 2 enhancement of daily wages it is negatived on the ground that the wages of the casual workers under the Minimum Wages Act were not enhanced by the State Government and that these workmen are not entitled for fixation of the wages on monthly basis as they were not entitled for any status for permanent employment. With reference to the points 3 and 4 it is held by the Tribunal that the demanded for entitlement for permanent status is negatived and as the workers were treated only as casual workers, their demand for sick leave and supply of uniform were also negatived.

16. It is worth nothing in the said award Ex. W-5 the Chairman further held in para 12 that in case the employee is employed as permanent member he has to be paid monthly wages irrespective of the fact whether there is work on all the days or not. It is also pointed out that if it is found that the same worker worked throughout the year on daily wages on a consideraion of number of years or if a particular job was attended to by one workman or other throughout the year for considerable number of years, then it can be held that the employer was exploiting the employee, for an employee working on daily wages would not be entitled to the benefits like casual leave, sick leave, gratuity benefits etc. It is pointed out that there is no evidence available at that time to claim that these 22 workmen should be given permanent status. Hence their case was negatived for permanent status. But on point 1 it is held that these workers were directly under the Management of the Modern Rice Mills from 27-2-1977 and they are the employees of the Management as casual workers. This award is subject to interpretation by both parties and they tried to canvas it is their own way which will be discussed in subsequent paras.

17. Of course when the said I. D. No. 13 of 1979 was pending the workmen filed M.P. No. 86/80 in the Labour Court for claiming wages for the said period. The Labour Court pointed out as the main dispute is pending before

the Industrial Tribunal, the petitioners cannot straightaway have monetary benefits which cannot be granted unless the Industrial Tribunal holds that these petitioners are the employees of the F.C.I. It is evident that a combine reading of these two findings by the Industrial Tribunal and the Labour Court show that the Labour Court wanted the worker to await the decision of the Industrial Tribunal and the Industrial Tribunal subsequently pronounced that these workers were employees of the Management and that they were also workers of the Management by the date of the reference.

18. Now this reference is made to decide whether the Management is justified in refusing wages to these 16 workers for the periods mentioned or not. It is admitted that the first nine workers in the list were not paid wages from 3-3-1980 to 24-8-1980 and the next four workers i.e. S. Nos. 10 to 13 were not paid wages from 22-3-1980 to 24-8-1980, the remaining workers in the schedule i.e. S. Nos. 14, 15 and 16 were not paid wages from 1-4-1980 to 24-8-1980. The case of the Management is that from February 1977 to March 1980 the F.C.I. was engaging the casual labourers pending finalisation of H and T Contract. It is found from the evidence of MWs-1, 2 and 3 that due to re-organisation of industry and uniforms policy adopted by the F.C.I. one Sri K. P. Venkateswarlu was appointed as H and T Contractor on 5-1-1980 and these casual labourers refused to work under him and the Mill did not work till 24-8-1980 as the same was closed. It is pointed out that regular milling could have been commenced from 5-1-1980 if these labourers attended work under the H and T Contractor Sri K. P. Venkateswarlu who was ad hoc handling contractor of the M.R.M. from 5-1-1980. It is argued on ehalf of the Management on the basis of evidence of these witnesses that the same resulted in the Mill incurring loss of payment of Rs. 18,300 towards salary for staff, Rs. 2,500.00 towards electricity charges and Rs. 42,000.00 loss per month towards non-functioning of the Mill. It is asserted for the Management that these losses could have been avoided had the petitioners accepted to work under Sri K. P. Venkateswarlu from 5-1-1980 to 24-8-1980. It is maintained by the Management that these casual labourers subsequently worked under the H and T contractor P. Ramanaiah from 25-8-1980 and received wages from him and thereafterwards they worked under Sri M. Sheshaiah who was appointed as H and T contractor from 25-8-1980. It is the case of the Management that these workers refused to work under the ad hoc H and T Contractor Sri K. P. Venketswarlu and they refused to feceive wages from him during the relevant period and thus they are not entitled for any wages between 3-3-1980 to 24-8-1980 as they did not attend to any work nor they have presented themselves for work at the establishment at least once a day during normal working hours. Incidentally it is pointed out by the Management that in I. D. No. 13 of 1979 their demand for permanent status was negatived and therefore they are not eligible for any wages for the period from 3-3-1980 to 24-8-1980. It is contended by the Management that the workers refusal to work under Sri K. P. Venkateswarlu for the relevant period amounted to illegal strike and the same is forbidden under Section 22 of the strike and the same is forbidden under Section 22 of the I. D. Act as they have done it without giving notice to the Management. Moreover they did not attend to the work and present themselves atleast once in a day at the mill and thus they cannot be paid any wages.

19. On the other hand the workers contended that the Management is bound to maintain muster rolls for the casual labourers under the I. D. Act as contemplated under Section 25 D of the I. D. Act but surprisingly did not choose to maintain muster rolls even when the workmen under the employment of this Management in order to deprive of their benefits under the I. D Act. It is pointed out that the Management did not produce the relevant Attendance Register subsequent to 3-3-1980 to 24-8-80 which is the crucial period the workmen herein were refused employment and wages. It is pointed out that when a new Contractor K. P. Venkateswarlu was introduced with effect from 25-8-1980 only after the refusal of the workers to work under the alleged ad hoc contactor K. P. Venkateswarlu. It is pointed out the duty of the Management to produce the Attendance Register maintained by them during the relevant period in dispute. It is further contended in the light of the award in I. D No. 13 of 1979 the Management cannot go back from the findings therein that the workmen are the employees of the Management since 27-2-1977. Sri D. S. R. Varma, counsel for the workmen contended that the Management policy of engaging casual labourers through contractors amounted to a most unfair labour practice when they themselves engaged casual labour directly for several years. According to him this kind of practice is to deprive the workmen the right and opportunity of getting temporary appointment in the Mill on the monthly basis and thereby securing a parmanent employment under the Management. The learned counsel for the workmen pointtd out that the evidence of the Management showed that the M.R.M. had been working since its inception continuously except for few very short intervals. According to him there is no rationale for keeping these labour temporary for ever when there is employment opportunity throughout the year that too when the workers working years together continuously and the same amounted to unfair labour practice.

20. Incidentally he pointed out that the Management is deducting amounts towards Provident Fund and they also admitted that they are the principal employer for these workmen and these workers were paid overtime wages for work on Sundays and they were also granted Festival Holidays when the Labour Department intervened which would show that all the crucial benefits like Provident Fund, Overtime wages, Festival holidays were being granted to these casual unskilled workers on par with other staff and the Management cannot deny the other automatic benefit which flow from it. He also pointed out that the workmen were already given charge memos as seen under Ex. W-26 directly by the Management which indicated that the Management has been recognising these workmen as workmen employed by them for all purposes except for giving them permanent status under the Management. So it is contended on the basis of evidence of MW-2 that the Management is the principal employer and when there is no explanation from the Management to why these workmen were rejected employment and why their wages were not paid for the period given in the schedule of preference except stating that they are not employed by the Management and when there is no evidence whether the Mill functioned in that period or not and when no contractor is examined to explain the same and when there is no contractor examined to show that during the period from 3-3-1980 to 24-8-1980 that he was appointed as Contractor and that these persons refused to work under him, it is argued that it must be held that the explanation given by MW-2 is not sustainable under law or on facts and that no reason was assigned by the Management why the workers refused employment. So it is vehemently argued that the management to pay wages for the period mentioned in the reference.

21. In the light of the observation findings in Ex. W-5 it is beyond dispute that these employees are the workmen of the management and admittedly from 1970 to 1973 when the M.R.M. was run by the Management itself and in 1974 the Mill was made to run in three shifts continuously and thus workers were working in the said Mill doing odd jobs as required. Though from November 1973 a regular H and T Contractor P. Venkateswarlu was appointed and as per Ex. M-27, M-28, M-30, M-6, M-7 M8, M10 and M14 the wages for the casual workers were paid through the H and T Contractor till 27-2-1977 in view of the findings in the I. D. No. 13 of 1979. It is now beyond dispute that from 27-2-1977 the Management directly paid wages to these workers and there is no Contractor was at all at that time and it was held that after 27-2-1977 these workmen were continued to be employees of the Management.

22. It is the admitted case of the Management from February 1977 to March 1980 the F.C.I. was engaging casual labourers pending finalisation of H and T Contract and the said Sri K. P. Venkateswarlu who was appointed as H and T Contractor on 5-1-1980 to work till 24-8-1980 did not work as Contractor. Now the question is whether the Mill is closed due to illegal as put up by the Management. It is relevant in this context to see whether the Management engaged them or not. The Management should have necessarily maintained Muster Rolls even when the workmen under the employment of the Management and this would throw light on the conduct of the Management in discharging its duties as required. The Management filed Attendance Register of workmen unto 1-3-1980 to show that the workmen did not continuously worked for 240 days in any year. But it is interesting to note that no Attendance Register were produced before the Tribunal subsequently to 3-3-1980

to 24-8-1980 which is the crucial period in which the workmen herein alleged to be refused employment and wages. It is the case of the Management that T. Ramanaiah was appointed later as H&T contractor from 25-8-1980 to 27-5-1981. We are not concerned about this period when T. Ramanaiah worked. The reference is about to the payment of wages between 3-3-1980 to 24-8-1980 during which period admittedly the said K. P. Venkateswarlu who was appointed as ad hoc H and T Contractor did not function as such Contractor, either due to obstruction of the workers to take wages through him or due to the Management failure to make the said H and T Contractor work on their behalf. It is admitted case that there was some dispute and in view of the reorganisation scheme of industry uniform policy adopted by F.C.I. befort the same was finalised on ad hoc basis Mr. K. P. Venkateswarlu sought to be appointed as ad hoc Contractor which was objected by the workers. In this context the evidence of MW-2 would show that the then Unit Manager of the M.R.M. before he took charge employees at S. Nos. 11, 12, 14 and 16 and WW-1 and WW-2 were also engaged as temporary watchmen of F.C.I. Nellore It is also found from his evidence that in February 1979 the hamalies of Central Ware Housing Corporotion demanded enhancement of rates and the management did not agree therefor and the said hamalies resorted to strike in M.R.M. It is also elicited that there were 60 to 70 hamalies in the M.R.M. and the said strike was called of in January after the new Contractor K. P. Venkateswarlu talked to them. MW-2 conceded that all these 16 workers involved in the dispute are working in the Rice Mill when K. P. Venkateswarlu was appointed as Contractor in I. D. No. 13 of 1979 was pending when he was appointed on ad hoc contract. The letters written by K. P. Venkateswarlu under Exs. W-23, 24 and W-25 would amply prove that the employees contending that they are not casual labourers and that there are regular employee of the F.C.I. and they made it plain to him that they would not work under him and he wanted to engage labour from outside. For the outside work relating to the Mill and that he came to know that there is a labour dispute with reference to the workers of M.R.M. It is conceded by MW-2 that K. P. Venkateswarlu could not work as Contractor even for a single day. It is also conceded by MW-2 that though there was change of contractors the same workmen continued to work in the M.R.M. Finally M.W2 conceded that all the work done by the workers in the Rice Mill is regular work as long as the Mill works and the work is carried by workers as well as the Mill in all the three shifts continuously and the same is borne out by Ex. W1. It is also worth noting that MW-2 conceded that there is no regard to show that any of workers in question were appointed by any contractor and moreover he did not say any record to show that Venkateswarlu the previous H&T Contractor paid wages to the workers except showing the payment of Rs. 3,000.00 paid by him after the conciliation proceedings. It is his evidence that they paid over time wages for work on Sundays and Holidays and also granted Festival Holidays to the workers, and he conceded that they were paying overtime to the staff also and he also conceded that the schedule rates of wages of the F.C.I. are lower than the minimum wages prescribed by the State Government at present. Further his evidence would show that on one occasion the Management issued a charge memo under Ex. W-26 to WW-3 and two others for absenting themselves during the second shift on that day indicating that they had control and they are taking disciplinary action on the workers. So when the Maangement is admittedly deducting amounts towards their Provident Fund and when they are also paying overtime wages for working on holidays and also granting Festival holidays and when they are taking disciplinary action also, it is clear that the Management is admitting that it is the principal employer for these workmen. Evidently the F.C.I. is deliberately resorting to the practice of engaging labour through Contractors with a view to avoid permanent status for the workmen that there is employment opportunity throughout the year and the record show that these workers were continuously employees for several years. Thus there is no rationale for adopting to this practice of engaging labour through Contractors. It must be held that most unfair labour practice that the management also been engaging casual labourers directly for several years. What is the underlying purpose behind it. It is prima facie to deprive the workmen's right and opportunity of getting temporary appointment in the Mill on monthly basis and thereby securing permanent employment under the Management. It is not as though the Mill under the Management has been working only for limited periods. It is thus clear from the evidence of the Management and admission of MW2 that the Mill has been working since continuously except for few short intervals. Further when there is no record to show that any of these workmen in question were appointed by any contractor and in the light of the admission of M.W2 that these workers were having overtime wages and festival holidays and they were under the control and supervision of the Management only and they are also provided with benefit of Provident Fund. It is evidence that the Management is extending all the crucial benefits and yet denying the workmen permanent status in an indirect manner. The other admission of M.W2 that the minimum wage of the F.C.I. are lower than the minimum wages prescribed by State Government. Thus the F.C.I. Management is denying minimum wages to the workmen under the guise that they are appointed by the Contractor which is nothing but derrive exploitation of the workmen. So in view of all these circumstances it must be held that the Management tried to keep the workmen as casual worker for several years though they have been working for several years even though there is an employment opportunity under the guise through Contractors. I therefore hold that without any hesitation that the Management is the principal employer in any event even assuming for a moment that there is a contractor.

23. Sri K. P. Venkateswarlu is examined as M.W5. His evidence would show that his contract period was from 5-1-1980 to 24-4-1980 and he did not start work, and the workers whom he wanted to take from outside were not allowed to come in and the Central Ware Housing Corporation labour also did not work for him and he simply demanded refund of earnest money under Ex. M12. So his evidence will not be sufficient to show whether the Mill functioned in the period or not. He did not speak about the Attendance Register and the reasons for having employment and non-wages the workmen concerned. The only reason stated in the counter that they are not employed by the Management. There is no reason assigned in the entire deposition of the Managements witnesses. It is nowhere explained why these workmen rejected the employment or wages for these workmen for the periods given in the schedule of preference. On the basis of the evidence of M.W2 it is clear that there is no contractor during the relevant period in question. On the other hand the Management tried to say that the workers refused to work under the Contractor and it resulted in the closure of the Mill from 5-1-1980 to 24-4-1980 and regular milling could have been commenced from 5-1-1980 if these labourers attended. No evidence is adduced though the argument there is no evidence to that effect. On the other hand there is evidence to show that during May 1979 there is devstating cyclone which affected the lives and property of Nellore District and these workmen were asked to work at Raia Open Storage Depot for salvaging operations on humanitarian grounds. So it is not correct to say that these workers did not work during the relevant period in question or that they did not work during that period or that they have not presented themselves for work at the establishment atleast once in a day during the normal working hours. The next argument of the Management that the Tribunal in I.D. No. 13 of 1979 negatived the request of the Petitioners for permanency, wage raise and supply of uniforms and sick leave etc. on the ground that they are only casual labourers and therefore their demand for payment of wages during the relevant period is not tenable is nothing but begging the question. The evidence of W.W1 to W.W3 would show that they worked in the year 1977 on all days when the Mill worked and they worked at storage depot for about 8 months and in the year 1977 he worked for 285 days and in the year 1978 he worked for 272 days and the Management stopped his services on 22-3-1980. He infact also mentioned that the workers in S. No. 11, 13 and 16 were also stopped and previous to that 9 workers Shaik Mastan, Nene-Sahib, David, Moula Saheb and Kalesa and others were stoppe by the Management on 3-3-1980. He further mentioned that four other workers namely Francis and others were stopped by the Management by the end of that month and questioned the Management for the reasons andthey replied that there is no work

in the Mill and they questioned the Management stoppage of their services without notice and the management replied that they are not entitled for any prior notice. The Management further told them they could join the Mill on restarting and inform the date of restarting of the Mill and similarly W.W2 also stated that they agitated for getting the mill re-opened through their union. He (W.W2) marked Exs. W8 to W12 to show that they were agitating for the rights and they were opposing the stoppage of their services. They also marked Exs. W13 to W15 to show that they are the workers working in Mill and they also issue notices through their lawyer and that they were agitating for their rights. He marked Exs. W16 and 17 showing the statement of bonus bill for the workers as well as for the succeeding year. He also asserted that there is Attendance Register maintained in the M.R.M.during their work. He also marked Exs. W18 and W19 and W20 to show that they were made to work during the relevant period on Raja Open Storage Depot and N. D. R. Godowns. Infact he mentioned after marking Exs. W27 to W32 that these workers in this case attended the Mill office more than 240 days in 1977 as well as 1978 when he recalled and examined on 17-1-1983. So it is not correct to say that they are not employed by the Management or that the M.R.M. was closed. Infact it is clear that these people stopped from work for the best reasons known to the Management to deprive them of their legitimate rights and also with a purpose not to given them permanent status under Management. It is incorrect to say that the findings in I.D. No. 13 of 1979 will come into way of holding now on the available evidence that these workers who are granted almost all benefits like deduction of Provident Fund, Overtime wages, Festival Holidays on par with staff of the F.C.I. and when they are also exercising control and disciplinary over the workers and when the Mill is admittedly working from 1970 for over 15 days as on now and when the same workers were continuously working in three shifts if the Management is not trying to keep these workers as casual labourer deliberately for taking work continuously for several years when there is clear employment opportunity by paying minimum wages lower then the minimum wages prescribed by the State Government, it must be held that these employees never rejected employment or wages for the periods given in the Schedule of preference and that they are entitled for full wages for the said periods. The arguments of the Management that the sitation between 5-1-1980 to 24-8-1980 amounted to closure on one hand or on the other hand refusing the wage for the workmen for the period of work done as they are not employed by the Management as a sort of lay-off, is not tenable. In the counter the Management contended that the Mill was closed from 5-1-1980 to 24-8-1980 but in the reference it is shown that the same workmen worked till 3-3-1980 and some of them work till 22-3-1980 and the rest worked upto 1-4-1980 the wages were paid to those workmen till those dates mentioned in the reference. Therefore the action of the Management amounts to illegal lay off of the workmen and the same was tried to be explained under the guise of the intervention of Contractor Sri K. P. Venkateswarlu In the cross examination of W.W1 it is suggested by the Management that outside labourers were brought to work the Rice Mill from 5-1-1980 onwards, it means the Management while mentioning in the counter that the refusal to work resulted in the closure of the Mill from 5-1-1980 to 24-8-1980 was trying to take a contradictory version to deprive the workmen of their rights. On one hand the Management tried to put up the situation as closure and on the other hand it tried to focus that there is refusal to work by workmen and that they actually refused wages to the workmen for the period stating that they are not workmen employed by the Management which in fact amounted to lay-off under Section 2-KKK for which the workmen are entitled for a notice. Admittedly no notice was issued for which contravention the Management is bound to pay wages for the period mentioned in the reference to the workmen.

24. The evidence of the Management is that M.W4 (T. Ramanaiah) maintained Exs. X1 to X8 Wage Registers during his period of contract and that Exs. X9 is the Provident Fund Register maintained by him and therefore the same should be given credance while considering the direct appointment of the employees by the Management The evidence of M.W4 would show that one Reghavender Rao who was his temporary employee under him wrote all the entries in the Registers Ex. X1 to X8. He admitted that the workmen protested stating that the F.C.I. dispute is pending in the Tribunal and also told him that they are the employees of the M.R.M. and that they were there from the inception of the Mill even before his contract was accepted by the Management. Further it is the case of M.W4 that the said Raghavender Rao used to go to the Mill on Saturdays only and the said Raghavender Rao used to notice the workers that were present in the third shift and that he was not verifying the workers who were present in the first and second shifts. According to him Raghavender Rao would not have personal knowledge about the workmen in other shifts. It is admitted that the said Raghavender Rao was enquiring about the other workmen from the hear say of the persons present in the third shift to know whether they were present or not. M.W4 finally conceded that these registers Exs. X1 to X8 and Ex. X9 were not maintained day to day and he was going to the mill once in ten days as per his convenience. He could not even identify whether writings in Exs. X1 to X9 was only that of Raghavender Rao or not. The said Ramanaih evidence would falsify that these Exs. X1 to X9 were properly maintained registers and that they were also correctly maintained showing the Attendance. In fact he conceded that the Attendance Registers were not maintained for the workers. So these Wage Registers even if maintained for M.W4 they did not correctly show that they were showing correct attendance of the workers who were present. It is admitted by M.W4 that these workmen were attending regularly and there was never any case of absenteism by them. Thus when the Wage registers are not properly maintain and not proved that they were correctly maintained they cannot be relied upon by the Management to show that they were the employees of the Contractor. The Attendance Register were not maintained by the Contractors also. Hence the relevance of Exs. X1 to X9 become nil and they cannot be looked upon for the settlement of the dispute of the workmen with the Management.

25. Moreover the Management filed M.P. No. 119 of 1982 in I.D. No. 17 of 1982 which is connected with the dispute between the same parties. It was filed to implead the Contractor Sri M. Sheshaiah as second Respondent in I.D. No. 17 of 1982. While disposing of the said petition, it is observed by this Tribunal, instead of adding the contractor as a party, he can be summoned and get documents marked through him. Inspite of that Sri M. Sheshaiah was not examined by the Management. The said Contractor on the other hand filed a counter saying that he is not a necessary party and he never appointed any of these workmen. Thus looked from any angle the principal employer being the Management, the Management cannot escape the liability for payment of wages for the relevant periods as mentioned since the workmen were deprived of their livelihood without assigning any reasons by the Management.

26. Therefore I hold that the Food Corporation of India is not justified in refusing the wages to the under mentioned workmen for the periods mentioned against each and I hold that the Petitioners 1 to 9 are entitled for wages for the period from 3-3-1980 to 24-8-1980; and S. Nos. 10 to 13 are entitled for the wages for the periods from 22-3-1980 to 24-8-1980; and the rest of the workers in the reference i.e. S. Nos 14 to 16 are entitled to pay wages from 1-4-1980 to 24-8-1980 and the wages must be paid in full with attendant benefits treating them as their employees.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of the Tribunal, this the 6th day of June, 1985.

INDUSTRIAL TRIBUNAL

Appendix of Evidence.

Witnesses examined

For the Workmen :

W.W1 M. Kollapuri.

W.W2 J. Francis.

W.W.3 Shaik Mastan.

Witnesses Examined

For the Management :

M.W-1 1. Venkata Ramana Sai.

M.W.2 A. Padnunabha Rao.

M.W3 A. Mohan Ram.

M.W4 T. Ramanaiah.

M.W5 K. P. Venkateswarlu.

Documents marked for the Workmen :

Ex. W1 True copy of the utilisation statement of the casual labourers per each shift in the mill.

Ex. W2 Copy of Minutes of Conciliation held on 23-2-79 at Nellore between the Management and the workers before the Asst. Labour Commissioner (C), Vijayawade.

Ex. W3 True copy of the letter No. 8-2-79-ALC-BZA, dt. 28-2-79 addressed by the Assistant Labour Commissioner (C), Vijayawade to the Secretary to the Govt. of India, Ministry of Labour, New Delhi regarding the failure of Conciliation Proceedings.

Ex. W4 True copy of the Order No. L-42011(22)/78-D. 11(B), dt. 22-8-79 regarding the Dispute between the workmen and the Management of Modern Rice Mill of the Food Corporation of India, Nellore.

Ex. W5 True copy of the Award dt. 18-11-80 in I.D. No. 13/79 on the file of the Industrial Tribunal (C), Hyderabad.

Ex. W6 Notification No. L-42011(22)/78-D. 11(B), dt. 9-12-80 from Govt. of India, Ministry of Labour, New Delhi regarding the publication of the Award in the Gazette of India.

Ex. W7 Short Order in M.P. No. 86/80, dt. 2-2-81 by the Labour Court, Guntur.

Ex. W8 Letter dt. 13-8-80 addressed by P. Rama Kotaiah, President the District Factory Workers Union, Nellore to the District Manager, Food Corporation of India, Nellore regarding the reopening of the mill.

Ex. W9 Copy of the Letter dt. 23-8-80 addressed by the President, the District Factory Workers Union, Nellore to the District Manager, Food Corporation of India, Nellore, regarding the Re-opening of the Mill.

Ex. W10 Letter No. MRM 25 (45)/CL/MP/80, dated 23-8-80 addressed by District Manager, Food Corporation of India, Nellore to P. Ramaketaiah, President the District Factory Workers' Union, Nellore with regards to resuming the work of the Mill.

Ex. W11 Letter dt. 24-8-80 addressed by P. Ramakotaiah, President the District Factory Workers Union, Nellore to the District Manager, Food Corporation of India, Nellore with regards to re-opening of the Modern Rice Mill, Nellore.

Ex. W12 Letter of Protest dt. 30-8-80 of the workmen with acknowledgement Signature of the Contractor, T. Ramanaiah.

Ex. W13 Notice dt. 20-4-82 issued by V. Anki Reddy, Advocate to Sri J. Francis and G. David.

Ex. W14. Reply dt. 5-5-82 from J. Francis to V. Anki Reddy, Advocate in pursuance of notice dt. 20-4-82.

Ex. W15 Postal acknowledgement dt. 11-5-82 from V. Anki Reddy.

Ex. W16 True copy of the Statement of Bonus bill for the workers of the Mill for the year 1977-78.

Ex. W17 True copy of the Statement of Bonus bill for the workers of the Mill for the year 1978-79.

Ex. W18 True copy of the Office Order No. MRM/A-8|79-80, dt. 23-5-79 issued by the Food Corporation of India, Modern Rice Mill, Nellore to 19 Workers and copy to the District Manager, Food Corporation of India, Nellore.

Ex. W19 True copy of the Statement showing the number of days attended work by the casual labourers deputed to ROSD from 1-6-79 to 30-9-79.

Ex. W20 True copy of the Statement showing the attendance particulars of Casual Labour at ROSD Nellore for the period from October 1979 to February 1980.

Ex. W21 True copy of the Statement prepared by the Management on the basis of the attendance register for the period 1970 to 71 and 71 to 72.

Ex. W22 True copy of the letter addressed by the H & T Contracter M. Seshaiah to the District Manager, Food Corporation of India, Nellore regarding the payment of Bonus to the casual labour.

Ex. W23 True copy of the representation dt. 24-12-79 by K. P. Venkateswarlu to the District Manager, Food Corporation of India, Nellore and the Regional Manager, Food Corporation of India, Hyderabad (AP) regarding tender No. E. 25(MRM)|NLR|79-Contr.

Ex. W24 True copy of the representation dt. 3-1-80 by K. P. Venketeswarlu to the District Manager, Food Corporation of India, Nellore and the Regional Manager, Food Corporation of India, Hyderabad (A.P.) with regard to furnish the Security Deposit.

Ex. W25 True copy of the letter I.O. No. E.25(208)/79-Cent. 11 C12, dt. 22-1-80 addressed by the Food Corporation of India, Regional Office, Hyderabad to Assistant Manager RO, FCI Hyderabad and copy to the District Manager FCI, Nellore and the Unit Manager MRM, Nellore regarding the labour dispute in M.R.M. Nellore.

Ex. W26 True copy of the Memo dt. 3-6-78 issued by the Unit Manager, Food Corporation of India, Modern Rice Mill Nellore to the workers.

Ex. W27 Letter dt. 11-1-83 addressed by P. Ramaketaiah, President the District Factory Workers Union, Nellore to the District Manager, Food Corporation of India, Nellore for production of certain documents.

Ex. W28 Reply notice dt. 17-1-83 given by M. V. Bharti Counsel for the Respondent to P. Ramakotaiah, representative of workmen.

Ex. W29 Letter dated 13-6-82 addressed by P. Ramakotaiah, President the District Factory workers' Union Nellore to the Inspector of Factories, Nellore under copy to the District Manager, Food Corporation of India, Nellore.

Ex. W30 Letter No. B1106|82 dt. 5-8-82 addressed by Inspector of Factories, Nellore to the President, the District Factory Workers Union, Nellore, with regard to certain allegations against Modern Rice Mill, Nellore.

Ex. W31 Letter B. No. 6556|82, dt. 4-12-82 addressed by Inspector of Factories Nellore to the President, the District Factory Workers' Union Nellore with regard to implementation of the provisions of factories Act and Rules by the Management.

Ex. W31 Copy of the Letter No. 8|3|81-BZA dt. 20-8-81 addressed by the Assistant Labour Commissioner (C) Vijayawada to the Senior Regional Manager, Food Corporation of India, Hyderabad with regard to alleged illegal retrenchment of casual workers.

Documents marked for the Management :

Ex. M1 Wages register maintained by the Management for the months of January, and February 1979.

Ex. M2 True copy of the Office order No. A8(3)|70, dt. 2-12 70 issued by the District Manager Foor Corporation of India, Nellore to some of the unskilled workers and labourers on daily wages.

Ex. M3 Printed copy of staff Regulation, 1971, regarding death-cum-retirement gratuity regulations, 1967.

Ex. M4 Copy of the letter No. 1(1)|72-Estt. dt. 23-2-72 addressed by the Regional Manager, the Food Cor-

poration of India, Regional Office, Hyderabad to the District Manager, Food Corporation of India, Nellore regarding filling up of vacancies of unskilled workers and Assistant Mechanics.

Ex. M5 Copy of the appointment Order No. A1(1)|74, dt. 23-8-74 issued by the Food Corporation of India, District Office, Nellore to C. R. Vasantha Kumar unskilled worker.

Ex. M6 True copy of the details of casual labour engaged for the year 1976-77 by P. Veera Swamy H and T Contractor.

Ex. M7 Copy of the bill No. 34 dt. 8-5-81 furnished by contractor T. Ramanaiah for supply of casual labourers.

Ex. M8 Copy of the contractor's bill No. 33, dt. 8-6-81 for handling and transport operation.

Ex. M9 Copy of the letter dt. 20-4-77 written by the President and Secretary of the Nellore District factory workers union to the Food Corporation of India.

Ex. M10 Copy of the Minutes of Conciliation Proceeding held on 29-6-77 in the dispute between District Factory Workers' Union, Nellore and the Management of Modern Rice Mill of the Food Corporation of India and P. Veera Swamy F.C.I. Contractor.

Ex. M11 Copy of the Claims Statement in I.D. No. 13|79 on the file of the Industrial Tribunal(C), Hyderabad.

Ex. M12 Letter dt. 26-3-1980 addressed by K. P. Venkateswarlu to the District Manager, Food Corporation of India, Nellore requesting refund of Earnest Money Deposit on the ground of Labour dispute in the Modern rice mill.

Ex. M13 Copy of the Letter No. E25(NRM) NLR|79| Conf. 2 dt. 20-8-80 addressed by District Manager, Food Corporation of India, Nellore T. Ramanaiah, Contractor informing him of the acceptance of his tender and calling for Security Deposit.

Ex. M14 Copy of the letter dt. 12-7-82 addressed by M. Seshaiah, H & T Contractor, Nellore to the District Manager, Food Corporation of India, Nellore regarding payment of wages to casual labourers at revised rates.

Ex. M15 Attendance Register from February 1977 to May, 1977.

Ex. M16 Attendance register from June 1977 to September 1977.

Ex. M17 Attendance Register from September, 1977 to December, 1977.

Ex. M18 Attendance Register from December 1977 to March 1978.

Ex. M19 Attendance Register from April 1978 to July 1978.

Ex. M20 Attendance Register from July 1978 to October 1978.

Ex. M21 Attendance Register from November, 1978 to March 1979.

Ex. M22 Attendance Register from April 1979 to August 1978.

Ex. M23 Attendance Register from September 1979 to March, 1980.

Ex. M24 Attendance Register from 6th February, 1980 to 1st March, 1980.

Ex. M25 Letter dt. 28-12-79 addressed by the President the District Factory Workers Union Nellore to the Assistant Labour Commissioner (Central) Vijayawada.

Ex. M26 Consolidated Statement of J. Francis, M. Kolhapuri and Sk. Masthan.

Ex. M27 Register pertaining to contract between the Management and the then contractor P. Veera Swamy.

Ex. M28 Bill of the Contractor P. Veeraswamy for the Period from 1-10-74 to 15-10-74 enclosing a statement of the Particulars of operation carried on in the mill during the above period.

Ex. M29 Consolidated Statement of the absence of the Workers from February 1977 to March 1980.

Ex. M30 True copy of the Letter dt. 28-12-79 addressed by the District Manager I/C Nellore to K. P. Venkateswarulu with regard to appointment of Adhoc H & T Contractor at MRM, Nellore communication of acceptance.

Documents filed by T. Ramanaiah (M.W.4)

Ex. X1 Register of Wages from 26-8-80 to 11-10-80.

Ex. X2 Register of Wages from 1-9-80 to 11-10-80.

Ex. X3 Register of Wages from 13-10-80 to 6-12-80.

Ex. X4 Register of Wages from 8-12-80 to 17-1-81.

Ex. X5 Register of Wages from 19-1-81 to 28-2-81.

Ex. X6 Register of Wages from 2-3-81 to 11-4-81.

Ex. X7 Register of Wages from 14-4-81 to 27-5-81.

Ex. X8 Register of Wages from 13-10-80 to 27-12-80.

Ex. X9 Provident Fund Register from 9/80 to 5/81.

Industrial Tribunal

[No. L-42011/29/81-D.IV(A)/D.V.]

का. आ. 3732—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम, कुरनुल के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 जुलाई, 1985 को प्राप्त हुआ था।

S.O. 3732.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Hyderabad, as shown in the annexure in the industrial disputes between the employees in relation to the management of Food Corporation of India, Kurnool (A.P.) and their workmen, which was received by the Central Government on the 9th July, 1985.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

INDUSTRIAL DISPUTE NO. 82 of 1984

PRESENT :

Sri J. Venugopala Rao, Industrial Tribunal

BETWEEN

The Workmen of Food Corporation of India, Kurnool.

AND

The Management of Food Corporation of India, Kurnool.

APPEARANCES :

Sri B. Nagi Reddy, Adovocate for the Workmen.
Sri M. V. Bharathi, Advocate for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012(2)|84-D.V. dt. 16-11-1984 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Food Corporation of India, Kurnool, A.P. to this Tribunal for adjudication :

"Whether the management of Food Corporation of India, Kurnool is justified in terminating the services of Sri S. A. Nabi, Ex-Watchman with effect from 25-4-1977."

This reference is registered as Industrial Dispute No. 82 of 1984 and notices were issued to the parties.

2. In the claims statement it is mentioned that the Petitioner Workman S. A. Nabi is appointed as watchman on daily rated basis with effect from 29-4-1976 and that he was continuously working ever since his appointment being attached to Timmencherla. According to him all appointments in the Food Corporation of India have been made initially on daily rated basis in Andhra Pradesh Region even though there were clear vacancies and the F.C.I., Head Quarters issued circular to the Regional Manager, Hyderabad to treat the period of service of daily rated employees as adhoc appointment with effect from 8-1-1976. According to him even subsequent appointees also shall be given the benefit of scales. It is his case that the Respondent did not implement the direction of the Headquarters. :—

(a) While so, the Petitioner services were terminated with effect from 24-4-1977 without any reasonable cause or notice. The matter was taken up by the Union immediately and the matter was also finally raised before the Asst. Commissionr of Labour (Central) for conciliation but without any effect of reinstatement.

(b) It is his case that the termination of service is illegal and invalid and the same is in violation of the Industrial Disputes Act. It is also his case that the employees who were appointed later to the Petitioner were retained in service and thereby the Respondent contravened the provisions of Section 25-G of the I.D. Act. According to the Respondent also opened number of depots subsequent to the termination and when there are number of permanent vacancies who should have reinstated them. Since he is eligible to hold the post of Watchman and he had experience and necessary qualification prescribed. The Petitioner should have been entitled for regular scale attached the watchman ever since he was appointed inview of the circular orders. Moreover in June 1984 the Management entered into a settlement with the union and granted regular appointment to all the daily rated staff. But for the illegal termination the petitioners could have got all the benefits under the said settlement.

3. In the counter it is mentioned that the daily rated watchman have no service conditions then the principles of work and pay. The claimant petitioner in this case was ex-watchman working at Open Storage Godown at Timmencherla and the services were terminated at the Open Storage Godown system was abolished and the every nature of godown was to store the paddy for termporary period. It is mentioned that the service of casual labours such as the petitioner were terminated due to closure of open storage godown and transfer of entire goods to permanent godown. It is also pointed out as an economic measure the Management has to cut off the dead wood and streamline the administration. According to him the facts of the case attract provisions of Section 25FFF of the I.D. Act, and the workmen is not entitled for reinstatement and his termination is justified. According to him the casual labour has no right for reinstatement or reappointment even though he completes 240 days of continuos attendance in a year within the meaning of Section 25-B of the I.D. Act. It is also mentioned that the circular is not an authority to reappointment and there is no guarantee of reappointment or fresh appointment in service are not applicable to him. It is mentioned that he did not require notice of termination. He denied opening of new depots and vacancies being available. In the instant case the recruitment of Employment Exchange candidates was held on 31-3-1977 and termination was effected from 25-4-1977. All the claims of the workman are not tenable.

4. On behalf of the Workman, the Petitioner himself is examined as W.W1 and marked Exs. W1 to W6. While the Respondent-Management examined M.W1 and marked Exs. M1.

5. W.W1 stated that he worked as Watchman at Timmencherla Depot from 17-2-1976 to 25-4-1977 and he was terminated on 25-4-1977 without any notice. According to him he is a daily rated watchman working on adhoc basis at F.C.I. Timmencherla. He marked the certificate issued by the District Manager, F.C.I. to show the same as Ex. W1 and he also marked termination order given to him as Ex. W2. Accordting to him he approached the authorities for conciliation to settle their dispute as per Ex. W4. He marked service certificate as Ex. W3 and he also marked the service particulars as given by the District Manager showing the statement of details of exwatchman who worked at Timmencherla Depot including himself as Ex. W5. According to him he should be considered for reinstatement as was done in the case of S. A. Basha, S. Arshad Basha and Sriramamurthy. The Food Corporation of India (Staff) Regulations 1971 as amended on 4-2-1976 is marked as Ex. W6 and mentioned that there is provision for reinstatement. According to him Ex. W7 marked in I.D. No. 81|84 is a representation made by him or reinstatement to the Depot Superintendent, Timmencherla and that he is unemployed all these years and he also expressed himself to appoint him as a fresh candidate without insisting back wages to provide any watchman job by the F.C.I.

6. The evidence of M.W1 who is the District Manager, F.C.I. Branch to the following effect. He deposed that due to heavy receipt of imported wheat in 1976 and to accommodate the said stock large units of private godowns were taken on hire. According to him to protect the said stocks he appointed watchman on daily rate basis depending upon the volume of stocks. He marked Ex. M1 to show that the petitioner is appointed as daily rated watchman by filing his particulars of attendance and wages. According to him as per Ex. M2 which is dated 4-2-1976 (marked in I. D. No. 81|84) it was stated that where the officials were taken before 25-1-1976 without employment exchange channel such officials should be interviewed along with the candidates sponsored through Employment Exchanges and regularise with effect from the date of such employment. In case such an interview has already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. He admitted that under Ex. M3 dt. 26-2-1983 is one of the orders (marked in I.D. No. 81|84) by the Seinor Regional Manager reinstating S. A. Basha and Arshad Basha. In the cross examination he admitted that the workman was in service for a total period of 254 days by the time he was terminated. According to him during that settlement they might have terminated 100 people who were temporarily working as Watchmen and witness admitted after seeing Ex. W7 marked in I.D. No. 100|84 that Sriramamurthy is reinstated as Watchman with the same terms and conditions on which he was working earlier and there was a Memorandum of Settlement dt. 16-2-1983 with reference to S. Arshad Basha and S.A. Basha as per Exs. W8 and W9 which are marked in I.D. No. 100|84. He conceded that the Petitioner should have interviewed candidates sponsored by the Employment Exchange channel vacancies which are filed after 4-2-1976. He also admitted that in view of the clarification he should have been regularised with effect from such date of interview after 25-1-1976 provided he is appointed prior to 25-1-1976. He denied that the termination of the petitioner on 25-4-1977 is illegal and invalid. He admitted that F.C.I. is now expanding and progressing Corporation and it required lot of man power.

7. The admitted facts are the petitioner worked as daily rated watchman at Timmencherla in the Food Corporation of India Godowns from 17-2-1976 to 25-4-1977 and it is elicited that in the evidence of M. W1 that he had put in a total period of 254 days in all by the time he was

terminated. It is also conceded that as per Ex. W5 and also as per Exs. W2 and W1 read with the oral evidence that the petitioner had requisite qualification to be appointed as Watchman and that under Exs. W1 and W2 termination was done without notice. The order of appointemen would show under Ex. W1 that he will be paid daily wages for the days of work as per the usual allowance. Failure conciliation report marked under Ex. W4 would show that the management though was directed to apply the circular namely Gazette Notification dt. 4-2-1976. The Managemen mentioned that it is not possible to give effect for the said Circular. Now the circular dated 4-2-1976 mentioned that it was a Gazette Notification amending that the Food Corpor-a-tion of India (Staff) Regulations and it is mentioned that the said Regulation should have come into force on 27-1-1976 and the same should be added to the existing proviso of the F.C.I. Regulations namey "provided furher that such of the employees who were recuited on daily rate basis for periods of less than 3 months or on purely temporary basis and whose services have been retained after allowing period cal breaks, shall also be eligible to be considered for appointment against direct recruitment along with candidates sponsored by the respective employment ex-changes." It means that the Food Corporation of India, Head Office, amended the regulations to consider those employees who were employed as daily rated for periods of less than three months of purely temporary basis and whose services have been retained after filing periodical breaks, shall be eligible for appointment against direct re-cruitment along with the candidated sponsored by the respective Employment Exchanges, and the same is also brought to the notice of the Regional Manager F.C.I. under Ex W7. The Management did not act wisely. Moreover it is admitted that on an earlier occasion Sri S. A. Basha, S. Arshad Basha and Sriramamurthy were reinstated by the Management. In similar circumstances in the case of Sriramamurthy, he was reappointed without back wages and given continuity of service for payment of terminal benefit the Headquaters of the F.C.I. and in the case of S. A. Basha and S. Arshad Basha, the Managemen entered into a settlement on similar terms. Now in the instant case when the employee worked for 254 days and when he is having all the requisite qualification to be considered for regularistation as Watchman being S.S.C. failed and also employment registered candidate, in the light of the Circular Ex. W7 the management should have considered this person who is terminated without any notice for ap-pointment against the direct recruitment of candidates sponsored by the respective Employment Exchanges. This is a mandatory provsioins as per the amended F.C.I. Re-gulations. It is admitted that there was recruiment of candi-dates even under Ex. M2 asper the clarification of the circular where officials had been aken before 25-1-1976 without Employement xchange channel such official should be interviewed along with the candidates sponsored throurh Employment Exchange and regularise with effcet from the date of such employeent and in case such interview had already been conducted after 25-1-1976 they may be re-gularised with effect from such date of interview. Now subsequent to this clarification it is admitted that under Ex. M3 he reinstaement of S. A. Basha and S. Arshad Basha were done. The Management conceded that the petitioner should have been interviewed the candidates sponsored by the Employment Exchange channel when there are vacancies which are filed after 4-2-1976 and it is alos conceded even by the clarification under Ex. M2 there should have been regularised with effect from such date of interview ater 25-1-1976 provided appointed prior o 25-1-1976. In this case on 29-4-1976. According to the Management the said clarification under Ex. M2 and Ex. W5 will not apply to these persons who are appointed after 25-1-1976. When the persons are governed by the F.C.I. Regulations and Regu-lations are amended with reference to the person who are appoined prior to 25-1-1976 and there is notification issued on 4-2-1976 and clarification was also given under Ex. M2 how those person should be interviewed and annointed It cannot be said that the said Exs. M2 and Ex. W6 had no prospective application to the candidates who were appoin-ted subsequently. When the same is also applicable retro-spectively it automatically follows that the same is also applicable prospectively. Now the question of Workmen completion more than 240 days of service in a calendar year for being considered under the provisions of the I.D. Act is not at all applicable to this case. The very Ex. W6 and Ex. M2 and the subsequent action of the Management with reference to the reinstatement of Sriramamurthy, S.A. Basha and S. Arshad Basha in to light of the notification dt. 4-2-1976 and subsequent clarification Ex. M2 would sow that the Managemen clearly violated the mandatery provisions of Section 25F of the said I.D Act and the said termination is abinitio void. Moreover there is clear evidence and admission at after the petitioner is terminated the Manage-ment recruted some person through Employment Exchange. While so when the candidates were sponsored by the Em-ployment Exchange were interviewed the petitioner was not called for the selection and the action of the termination of the service of the petitioner in not calling or interview along with them is contrary to the rules and Regulations of the F.C.I. It is not in dispute that some new persons were ap-pointed on regular scales after these petitioner and other numbering about 100 were terminated. This is in violation of Section 25 (H) of the I.D. Act and the contention of the Management that there was no necessity of continuing the post of Watchman is abolutely ill-founded and baseless. The evidence of W.W1 and M. W1 when read together would show that the termination is aimed only for denying the regular stants of watchman to the Petitioner and thae he termination is malafide and colourable exercise of powers by the Management.

8. In fact the appointment of daily rated workmen was banned by the F.C.I. by circular dated 4-2-1976 and subse-quently modified circular dt. 20-12-1977 under Ex. M2 the employees were working on daily rated basis were all adhoc appointments provided under F.C.I. Regulation. The petitioner is also entitled for the scales from the date of his appointment i.e. 17-2-1976 till his services were terminated on adhoc basis. The argument of the Management is that watchmen were recruited at Open Storage Godowns and that the Open Storage Godowns system was abolished and therefore the service of casual labour were such as the petitioner were terminated due to closure of the ouen storage godowns and transfer of entire stocks to permanent godowns is not at all borne out by record. There is no evidence that these petitioners and others like him were subsequently engaged for looking after the hired godowns. There was also no evidence to show that the so called hired go-downs handed over back to the respective owners. Moreover when similarly placed daily rated watchmen like Sriramamurthy, Arshad Basha and S. A. Basha were reinstated and when simi-larly placed daily rated watchman working at Sanathnagar were given regular posts of Watchman in January 1985 from the date of their appointment including seniorty and other benefits. I must hold that the said termination of this workman is in violation of Section 25F of I.D. Act and that the said termina-tion must be held to be illegal. Moreover the petitioner is now everaged, he cannot be compelled to seek employment else-where and it is also elicited that he was not able to secure any mployment and that he was working as hired labour and when there are admitted vacancies under the control of Senior Re-gional Manager, Hyderabad, must be held that the petitioner can be easily accommodated for the post of watchman and it is also admitted that there is expansion scheme and the F.C.I. is a progressing Corporation and it required lot of man power. Having regard to all these circumstances I hold that the ter-nation of S. A. Nabi is illegal and he is directed to be but a the same time wih continuity of service for the purpose of payment of terminal benefits as is done in the case of Sriramamurthy, S. Arshad Basa and S.A. Basha. I therefote held ha the management of Food Corporation of Indin, Kurnool is not justified in terminaing the service of Sri S.A. Nabi, Ex-Watchman wih effcet from 25-4-1977 and that further directed tat he should be reinstated forth-with bac wages in the given circumstances but with conti-nuity of service for payment of terminal benefits. The peti-joner also expressed his willingness to work at anywhere if posted in the entire Zone and the same will not cause any difficulty in way of administration for fixing them properly without inconvenience to any one.

Award passed accordingly.

Dictated to the Stenographer transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 21st day of June, 1985.

INDUSTRIAL TRIBUNAL

Appendix of Evidence.

Witnesses Examined For the Work man —

Witnesses Examined For the Management :—

W. W1 S. A Nabi

M. W1 I. V. Ramana Murty

Documents marked for the Workman :—

Ex. W1—Office Order dt. 17-2-76 issued by the District Manager Food Corporation of India, Kurnool to S. A. Nabi.

Ex. W2.—Termination Order dt. 27-4-77 issued by the District Manager, Food Corporation of India, Kurnool to S. A. Nabi.

Ex. W3—Certificate dated 28-4-75 issued by District Manager, Food Corporation of India, Timmancherla (Guntakal) to S. A. Nabi with regard to service particulars.

Ex. W4—Failure of Conciliation Report under Section 12(4) of the Industrial Disputes Act, 1947.

Ex. W5—Photostat copy of the Statement showing the details of Ex-Workmen worked at Thimmancherla Depot.

Ex. W6.—Photostat copy of the Notification dt. 4-2-76 issued by the joint Personnel Manager the Food Corporation of India, Head Office New Delhi with regard to staff Regulations, 1971.

Documents marked for the Management :—

Ex. M1.—Statement showing the Service Particulars of S. A Nabi worked at Timmancherla.

Sd/-

26-6 85 INDUSTRIAL TRIBUNAL

[No. L-42012(21)/84 D.V.]

का०आ० 3733—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम करनूल के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 जुलाई, 1985 को प्राप्त हुआ था।

S.O. 3733.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Kurnool (A.P.), and their workmen, which was received by the Central Government on the 9th July, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)

AT HYDERABAD

PRESENT :

Sri J. Venugopala Rao, Industrial Tribunal.

Industrial Dispute No. 99 of 1984

BETWEEN :

The Workmen of Food Corporation of India, Kurnool.

AND

The Management of Food Corporation of India, Kurnool.

APPEARANCES :

Sri B. Nagi Reddy, Advocate for the Workmen.

Sri M. V. Bharathi, Advocate for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012(21)/84-D.V. dated 22-12-1984 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Food Corporation of India, Kurnool, A. P. to this Tribunal for adjudication :

"Whether the management of Food Corporation of India, Kurnool is justified in terminating the services of Sri B. Rama Murthy, Ex-Watchman with effect from 19-4-1977 / if not to what relief the workman is entitled ?"

This reference is registered as Industrial Dispute No. 99 of 1984 and notices were issued to the parties.

2. In the claims statement it is mentioned that the Petitioner-workman Sri B. Rama Murthy is appointed at Watchman on daily rated basis with effect from 1-1-1976 and that he was continuously working ever since his appointment being attached to Timmencherla. According to him all appointments in the Food Corporation of India have been made initially on daily rated basis in Andhra Pradesh Region even though there were clear vacancies and the F.C.I. Head Quarters issued circulars to the Regional Managers, Hyderabad to treat the period of service of daily rated employees as adhoc appointment with from 8-1-1976. According to him even subsequent appointees also shall be given the benefit of scales. It is his case that the Respondent did not implement the direction of the Headquarters.

(a) While so, the Petitioners services were terminated with effect from 19-4-1976 without any reasonable cause or notice. The matter was taken up by the Union immediately and the matter was also finally raised before the Assistant Commissioner of Labour (Central) for Conciliation but without any effect of reinstatement.

(b) It is his case that the termination of service is illegal and invalid and the same is in violation of the Industrial Disputes Act. It is also his case that the employees who were aappointed later to the Petitioner were retained in service and thereby the Respondent contravened the provisions of Section 25G of the I. D. Act. According to the Respondent also opened number of depots subsequent to the termination and when there are number of permanent vacancies who should have reinstated them. Since he is eligible to hold the post of Watchman and he had experience and necessary qualification prescribed. The Petitioner should have been entitled for regular scale attached the workmen ever since he was appointed in view of the circular orders. Moreover in June 1984 the Management entered in to a settlement with the Union and granted regular appointment to all the daily rated staff. But for the illegal termination the Petitioners could have got all the benefits under the said settlement.

3. In the counter it is mentioned that the daily rated watchman have no service conditions than the principles of work and pay. The claimant-petitioner in this case was ex-watchman working at Open Storage Godown at Timmencherla and the services were terminated as the Open Storage Godown system was abolished and the very nature of godown was to sore the paddy for temporary period. It is mentioned that the service of casual labourers such as the petitioner were terminated due to closure of Open Storage Godown and transfer of entire goods to permanent godowns. It is also pointed out as an economic measure the Management has to cut off the dead wood and streamline the administration. According to him the fact of the case attract provisions of Section 25FFF of the I. D. Act, and the workmen is not entitled for reinstatement and his termination is justified. According to him the casual labour has no right for reinstatement or re-appointment even though he completes 240 days of continuance attendance in a year within the meaning of Section 25-B of the I. D. Act. It is also mentioned that the circular is not an authority to re-appointment and there is no guarantee of reappointment or fresh appointment in service are not applicable to him. It is also mentioned

that he did not require notice of termination. He denied opening of new depots and vacancies being available. In the instant case the recruitment of Employment Exchange candidates was held on 31-3-1977 and termination was effected on 19-4-1977. All the claims of the workmen are not tenable.

4. On behalf of the Workmen, the Petitioner himself is examined as W.W. 1 and marked Exs. W1 to W6. While the Respondent Management examined M.W.1 and marked Ex.M1.

5. W.W.1 stated that he worked as Watchman at Timmencherla Depot from 1-1-1976 to 19-4-1977 and he was terminated on 19-4-1977 without any notice. According to him he is a daily rated watchman working on adhoc basis at F.C.I. Timmencherla. He marked the certificate issued by the District Manager, F.C.I. to show the same as per Ex. W1 and he also marked termination order given to him as Ex. W2. Ex. W3 is the transfer and posting order. According to him he approached the authorities for conciliation to settle their dispute as per Ex. W4. He marked his Transfer Certificate as Ex. W5. According to him he should be considered for reinstatement as was done in the case of S. A. Basha, S. Arshad Basha and Sriramamurthy. The Food Corporation of India (Staff) Regulations 1971 as amended on 4-2-1976 is marked as Ex. W6 and mentioned that there is provision for reinstatement. According to him Ex. W7 and Ex. W8 are representations made by him for reinstatement to the Depot Superintendent, Timmencherla and that he is un-employed all these years and he also expressed himself to appoint him as a fresh candidate without insisting back wages to provide any watchman job by the Food Corporation of India.

6. The evidence of M.W.1 who is the District Manager, F.C.I., Branch to the following effect. He deposed that due to heavy receipt of imported wheat in 1976 and to accommodate the said stock large units of private godowns were taken on hire. According to him to protect the said stocks he appointed Watchmen on daily rate basis depending upon the volume of stocks. He marked Ex. M1 to show that the petitioner is appointed as daily rated watchman by filing his particulars of attendance and wages. According to him as per Ex. M2 which is dated 4-2-1976 (marked in I. D. No. 81|84) it was stated that where the officials were taken before 25-1-1976 without Employment Exchange channel such officials should be interviewed along with the candidates sponsored through Employment Exchange and Regulations with effect from the date of such employment. In case such an interview has already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. He admitted that under Ex. M-3 dated 26-2-1983 is one of the orders (marked in I. D. No. 81/84) by the Senior Regional Manager reinstating S. A. Basha and Arshad Basha. In the cross examination he admitted that the workman was in service for a total period of 469 days by the time he was terminated. According to him during that settlement they might have terminated 100 people who were temporarily working as Watchmen and witness admitted after seeing Ex. W7 (marked in I. D. No. 100|84) that Sriramamurthy is reinstated as Watchman with the same terms and conditions on which he was working earlier and there was a Memorandum of Settlement dated 16-2-1983 with reference to S. Arshad Basha and S. A. Basha as per Exs. W8 and W9 (which are marked in I D. No. 100|84). He conceded that the petitioner should have been interview along with candidates sponsopred by the Employment Exchange channel vacancies which are filled after 4-2-1976. He also admitted that in view of the clarification he should have been regularised with effect from such date of interview after 25-1-1976 provided he is appointed prior to 25-1-1976. He denied that the termination of the petitioner on 19-4-1977 is illegal and invalid. He admitted that F.C.I. is now expanding and progressing Corporation and it require lot of man power.

7. The admitted facts are the petitioner worked as daily rated watchman at Timmencherla in the Food Corporation of India godowns from 1-1-1976 to 19-4-1977 and it is elicited that in the evidence of M.W1 that he had put in a total period of 469 days in all by the time he was terminated. It is also conceded that as per Ex. W6 and also as per Ex. W1 and W2 read with the oral evidence that the petitioner had requisite qualification to be appointed as Watchman and that under Exs. W1 and W2 termination was done without notice. The order of appointment would show under Ex. W1 that he will be paid daily wages for the days of work as per the usual allowance. Failure conciliation report marked as Ex. W4 would show that the management though was directed to apply the circular namely Gazette Notification dt. 4-2-76. The Management mentioned that it is not possible to give effect for the said Circular. Now the Circular dated 4-2-76 mentioned that it was a Gazette Notification amending the Food Corporation of India (Staff) Regulations and it is mentioned that the said Regulation should have come into force on 27-1-1976 and the same should be added to the existing proviso of the F.C.I. Regulations namely "provided further that such of the employees who were recruited on daily rate basis for periods of less than 3 months or on purely temporary basis and whose services have been retained after allowing periodical breaks, shall also be eligible to be considered for appointment against direct recruitment along with candidates sponsored by the respective Employment Exchanges." It means that the Food Corporation of India, Head Office, amended the regulations to consider those employees who were employed as daily rated for periods of less than three months or purely temporary basis and whose services have been retained after filing periodical breaks, shall be eligible for appointment against direct recruitment along with the candidates sponsored by the respective Employment Exchanges, and the same is also brought to the notice of the Regional Manager, F.C.I. under Ex. W7. The Management did not act wisely. Moreover it is admitted that on an earlier occasion Sri S. A. Basha, S. Arshad Basha and Sriramamurthy were reinstated by the Management. In similar circumstances in the case of Sriramamurthy, He was reappointed without back wages and given continuity of service for payment of terminal benefit by the Headquarters of the F.C.I. and in the case of S. A. Basha and S. Arshad Basha, the Management entered into a settlement on similar terms. Now in the instant case when the employee worked for 469 days and when he is having all the requisite qualification to be considered for regularisation as Watchman being S. S. 6 passed and also employment registered candidate, in the light of the Circular Ex. W7 (marked in I. D. No. 100|84) the management should have considered this person who is terminated without any notice for appointment against the direct recruitment of candidates sponsored by the respective Employment Exchanges. This is a mandatory provision as per the amended F. C. I. Regulations. It is admitted that there was recruitment of candidates even under Ex. M-2 (marked in I. D. No. 81/84) as per the clarification of the circular where officials had been taken before 25-1-1976 without Employment Exchange channel such official should be interviewed along with the candidates sponsored through Employment Exchange and regularies with effect from the date of such employment and in case such interview had already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. Now subsequent to this clarification it is admitted that under Ex. M-3 (marked in I.D. No. 81/84) the reinstatement of S. A. Basha and S. Arshad Basha were done. The Management conceded that the petitioner should have been interviewed along with the candidates sponsored by the Employment Exchange channel when there are vacancies which are filled after 4-2-1976 and it is also conceded even by the clarification under Ex. M2 there should have been regularised with effect from such date of interview after 25-1-1976 provided appointed prior to 25-1-1976. In this case on 1-1-1976. According to the Management the said clarification under Ex. M2 and Ex. W6 will not apply to those persons who are appointed after 25-1-1976. When the persons are governed by the F.C.I. Regulations and Regulations are amended with reference to the persons who are appointed prior to 25-1-76 and there is notification issued on 4-2-1976 and clarification was also given under Ex. M2 how those persons should be interviewed and appointed. It cannot be said that the said Ex. M2 and Ex. W6 had no prospective application to the candidates who were appointed subsequently. When the same is applicable retrospectively it automatically follows that the same is also applicable prospectively. Now the question of workman completing more than 240 days of service in a calendar year for being considered under the provisions of the I. D Act is not at all applicable to this case. The very Exs. W6 and M2 and the subsequent action of the management with reference to the reinstatement of Sriramamurthy, S. A. Basha and S. Arshad Basha in the light of notification dated 4-2-1976 and the subsequent clarification Ex. M2 would show that the Management clearly violated the mandatory provisions of Section 25F of the said I. D. Act and the said termination is abinitio void. Moreover there is clear evidence and admission that after this petitioner is terminated

the management recruited some persons through Employment Exchanges. While so when the candidates were sponsored by the Employment Exchanges were interviewed the petitioner was not called for the selection and the action of the terminat on of the service of the petitioner in not calling for interview along with them is contrary to the rules and Regulations of the F.C.I. It is not in dispute that some new persons were appointed on regular scales after these petitioners and others numbering about 100 were terminated. This is violation of Sect on 25(H) of the I.D. Act and the contention of the Management that there was no necessity of continuing the post of Watchmen in absolutely ill-founded and baseless. The evidence of W.W.1 and M.W.1 when read together would show that the termination is aimed only for denying the regular status of watchman to the petitioner and that the termination is mala fide and colourable exercise of powers by the Management.

8. In fact the appointment of daily rated workmen was banned by the F.C.I. by circular dated 4th February, 1976 and subsequently modified circular dated 20th December, 1977 under Ex. M2 the employees were working on daily rated basis were all ad hoc appointment provides under F.C.I. Regulation. The petitioner is also entitled for the scales from the date of his appointment i.e. 1st January, 1976 till his services were terminated on ad hoc basis. The argument of the Management is that Watchmen were recruited at Open Storage Godowns and that the Open Storage Godowns system was abolished and therefore the service of casual labour were such as the petitioner were terminated due to closure of the Open Storage Godowns and transfer of entire stocks to permanent godowns is not at all borne out by record. There is no evidence that these petitioners and others like him were subsequently engaged for looking after the hired godowns. There was also no evidence to show that the so called hired godowns handed over back to the respective owners. Moreover when similarly placed daily rated watchmen like Sriramamurthy Arshad Basha and S. A. Basha were reinstated and when similarly placed daily rated watchmen working at Sanathnagar were given regular posts of watchmen in January 1985 from the date of their appointment including seniority and other benefits. I must hold that the said termination of this workman is in violation of Section 25F of the I.D. Act and that the said termination must be held to be illegal. Moreover the petitioner is now overaged, he cannot be compelled to seek employment elsewhere and it is also elicited that he was not able to secure any employment and that he was working as hired labour and when there are admitted vacancies under the control of Senior Regional Manager, Hyderabad, must be held that the petitioner can be easily accommodated for the post of Watchman and it is also admitted that there is expansion scheme and the F.C.I. is a progressing Corporation and it required lot of man power. Having regard to all these circumstances I hold that the termination of Sri B. Rama Murthy is illegal and he is directed to be reinstated forthwith without back wages but at the same time with continuity of service for the purpose of payment of terminal benefits as is done in the case of Sriramamurthy, S. Arshad Basha and S. A. Basha. I therefore hold that the Management of Food Corporation of India, Kurnool is not justified in terminating the services of B. Rama Murthy, Ex-Watchman with effect from 19th April, 1977 and that further directed that he should be reinstated forthwith without back wages in the given circumstances but with continuity of service for payment of terminal benefits. The petitioner also expressed his willingness to work at anywhere if posted in the entire Zone and the same will not cause any difficulty in way of administration for fix ing them properly without inconvenience to any one.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 24th day of June, 1985.

Sd/-
Industrial Tribunal

Appendix of Evidence

Witnesses Examined for the Workman :	Witnesses Examined for the Management :
W.W.1 B. Rama Murty.	M.W.1 I. V. Ramana Murty.

Documents marked for the Workman :

Ex. W1 Appointment Order dated 1st January, 1976 issued by Assistant Manager, Food Corporation of India, District Office, Sub-Office Ananthapur to B. Rama Murthy.

Ex. W2 Termination Order dated 6th April, 1977 issued by the Assistant Manager Food Corporation of India, Sub-Office, Ananthapur to B. Rama Murty and others.

Ex. W3 Transfers and postings Orders issued to B. Rama Murty and B. Vasantudu by the Assistant Manager, Food Corporation of India, Sub-Office, Ananthapur.

Ex. W4 Failure of conciliation report dated 9th April, 1984 between the Management of Food Corporation of India, Kurnool and their workman B. Rama Murty ex-Watchman u/s. 12(4) of the I.D. Act, 1947.

Ex. W5 Duplicate Form of Transfer Certificate pertaining to B. Rama Murty.

Ex. W6 Photostat copy of the notification dated 4th February, 1976 issued by the Food Corporation of India, Head Office, New Delhi with regard to Food Corporation of India Staff regulations 1976.

Ex. W7 Representation dated 9th/10th May, 1978 made by B. Rama Murty to the District Manager, Food Corporation of India, Kurnool.

Ex. W8 Representation dated 24th/28th June, 1978 made by B. Rama Murty to the Assistant Manager, Food Corporation of India, Kurnool.

Documents marked for the Management :

Ex. M1 Statement showing the Attendance particulars of B. Rama Murty.

Sd/-
Industrial Tribunal.

[No. L-42012(12)/84-D.V.]

का. आ. 3734.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम, कुरनूल के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 जुलाई, 1985 को प्राप्त हुआ था।

S.O. 3734.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Kurnool (A.P.) and their workmen, which was received by the Central Government on the 9th July, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Sri J. Venugopala Rao, Industrial Tribunal.

Industrial Dispute No. 101 of 1984

BETWEEN

The Workmen of Food Corporation of India, Kurnool.

AND

The Management of Food Corporation of India, Kurnool

APPEARANCES:

Sri B. Nagi Reddy, Advocate—for the Workmen.

Sri M. V. Bharathi, Advocate—for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012(22)|84-D.V. dt. 26-11-1984 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Food Corporation of India, Kurnool, A.P. to this Tribunal for adjudication.

"Whether the management of Food Corporation of India, Kurnool is justified in terminating the services of Sri D. Vannur Saheb, Ex-Watchman with effect from 22-4-77 ? If not to what relief the workman is entitled ?"

This reference is registered as Industrial Dispute No. 101 of 1984 and notices were issued to the parties.

2. In the claims statement it is mentioned that the Petitioner Workman Sri D. Vannur Saheb is appointed as Watchman on daily rated basis with effect from 28-4-1976 and that he was continuously working ever since his appointment being attached to Trimmencherla. According to him all appointments in the Food Corporation of India have been made initially on daily rated basis in Andhra Pradesh Region even though there were clear vacancies and the F.C.I., Head Quarters issued circulars to the Regional Managers, Hyderabad to treat the period of service of daily rated employees as ad hoc appointment with effect from 8-1-1976, According to him even subsequent appointees also shall be given the benefit of scales. It is his case that the Respondent did not implement the direction of the Headquarters.

(a) While so, the Petitioners services were terminated with effect from 22-4-1977 without any reasonable cause or notice. The matter was taken up by the Union immediately and the matter was also finally raised before the Asstt. Commissioner of Labour (Central) for conciliation but without any effect of reinstatement.

(b) It is his case that the termination of service is illegal and invalid and the same is in violation of the Industrial Disputes Act. It is also his case that the employees who were appointed later to the Petitioner were retained in service and thereby the Respondent contravened the provisions of Section 25-G of the I.D. Act. According to the Respondent also opened number of depots subsequent to the termination and when there are number of permanent vacancies who should have reinstated them. Since he is eligible to hold the post of Watchman and he had experience and necessary qualification prescribed. The Petitioner should have been entitled for regular scale attached the watchman ever since he was appointed in view of the circular orders. Moreover in June 1984 the Management entered into a settlement with the Union and granted regular appointment to all the daily rated staff. But for the illegal termnation the Petitioners could have got all the benefits under the said settlement.

3. In the counter it is mentioned that the daily rated watchmen have no service conditions then the principles of work and pay. The claimant-petitioner in this case was ex-watchman working at Open Storage Godown at Timmencherla and the services were terminated at the Open Storage Godown system was abolished and the very nature of godown was to store the paddy for temporary period. It is mentioned that the service of casual labours such as the petitioner were terminated due to closure of open storage godown and transfer of entire goods to permanent godowns. It is also pointed out as an economic measure the Management has to cut off the dead wood and streamline the administration. According to him the facts of the case attract provisions of Section 25 FFF of the I.D. Act and the workman is not entitled for reinstatement and his termination is justified. According to him the casual labour has no right for reinstatement or re-appointment even though he completes 240 days of continuous attendance in a year within the meaning of Section 25-B of the I.D. Act. It is also mentioned that the circular is not authority to reappointment and there is no guarantee of reappointment or fresh appointment in service are not applicable to him. It is also mentioned that he did not require notice of termination. He denied opening of new depots and vacanies being available. In the instant case the recruitment of Employment Exchange candidates was held on 31-3-1977 and termination was effected from 22-4-1977. All the claims of the workman are not tenable.

4. On behalf of the Workman, the Petitioner himself is examined as W.W1 and marked Exs. W1 to W6. While the Management examined Ex. MW1 and marked Exs. M1.

5. W.W1 stated that he worked as Watchman at Timmencherla Depot from 28-4-1976 to 22-4-1977 and he was terminated on 22-4-1977 without any notice. According to him he is a daily rated watchman working on adhoc basis at F.C.I., Timmencherla. He marked the certificate issued by the District Manager, F.C.I. to show that same as Ex. W1 and he also marked termination order given to him as Ex. W2. According to him he approached the authorities for conciliation to settle their dispute as per Ex. W4. He marked service certificate as Ex. W3 and he also marked the service particulars as given by the District Manager showing the statement of details of Ex-Watchman who worked at Timmencherla. Depot including himself as Ex. W5. According to him he should be considered for reinstatement as was done in the case of S. A. Basha, S. Arshad Basha and Sri-ramamurthy. The Food Corporation of India (Staff) Regulations 1971 as amended on 4-2-1976 is marked as Exs. W6 and mentioned that there is provision for reinstatement. According to him Ex. W7 (marked in I.D. No. 81|84) is a representation made by him for reinstatement to the Depot Superintendent, Timmencherla and that he is unemployed all these years and he also expressed himself to appoint him as a fresh candidate without insisting back wages to provide any watchman job by the F.C.I.

6. The evidence of M. W1 who is the District Manager, F.C.I. Branch to the following effect. He deposed that due to heavy receipt of imported wheat in 1976 and to accommodate the said stock large units of private godowns were taken on hire. According to him to protect the said stocks he appointed Watchman on daily rate basis depending upon the volume of stocks. He marked Ex. M1 to show that the petitioner is appointed as daily rated watchman by filing his particulars of attendance and wages. According to him as per Ex. M2 which is dated 4-2-1976 (marked in I.D. No. 81|84) it was stated that where the officials were taken before 25-1-1976 without employment exchange channel such officials should be interviewed along with the candidates sponsored through Employment Exchange and regularise with effect from the date of such employment. In case such an interview has already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. He admitted that under Ex M3 dated 26-2-1983 (marked in I.D. No. 81|84) is one of the orders by the Senior Regional Manager reinstating S.A. Basha and Arshad Basha. In the cross examination he admitted that the workman was in service for a total period of 298 days by the time he was terminated. According to him during that settlement they might have terminated 100 people who were temporarily working as Watchman and witness admitted after seeing Ex. W7 (marked in I.D. No. 100|84) that Sri Ramamurthy is reinstated as Watchman with the same terms and conditions and which he was working earlier and there was Memorandum of Settlement dt. 16-2-1983 with reference to S. Arshad Basha and S. A. Basha as per Exs. W8 and W9 (which are marked in I.D. No. 100|84). He conceded that the Petitioner should have been interviewed along with candidates sponsored by the Employment Exchange channel vancancies which are filed after 4-2-1976. He also admitted that in view of the clarification he should have been regularised with effect from such date of interview after 25-1-1976 provided he is appointed prior to 25-1-1976. He denied that the termination of the petitioner on 22-4-1977 is illegal and invalid. He admitted that F.C.I., is now expending and progressing Corporation and it required lot of man power.

7. The admitted facts are the petitioner worked as daily rated watchman at Timmencherla in the Food Corporation of India Godowns from 28-4-1977 to 22-4-1977 and it is elicited that in the evidence of M. W1 that he had put in a total period of 298 days in all by the time he was terminated. It is also conceded that as per Ex. W6 and also as per Exs. W1 and W2 read with the oral evidence that the petitioner had requisite qualification to be appointed as Watchman and that under Exs. W1 and W2 termination was done without notice. The order of appointment would show under Ex. W1 that he will be paid daily wages for the days of work as per the usual allowance. Failure conciliation report marked under Ex.W4 would show that the management though was directed to apply the circular namely Gazette Notification dt. 4-2-1976. The Management that it is not possible to give effect for the said Circular. Now the circular dated 4-2-1976 mentioned that it was a Gazette Notification amending the Food Corporation of India (Staff) Regulations and it is mentioned that the said Regulations should have come into force on 27-1-1976 and the same should be added to the existing proviso of the F.C.I. Regulations namely "provided further that such of the employees who were recruited on daily rate basis for periods of less than 3 months or on purely temporary basis and whose services have been retained after allowing periodical breaks, shall also be eligible to be considered for appointment against direct recruitment along with candidates sponsored by the respective Employment Exchanges". It means that the Food Corporation of India, Head Office, amended the regulations to consider those employees who were employed as daily rated for periods of less than three months or purely temporary basis and whose services have been retained after filing periodical breaks, shall be eligible for appointment against direct recruitment along with the candidates sponsored by the respective Employment Exchanges, and the same is also brought to the notice of the Regional Manager, F.C.I. under Ex. W7. The Management did not act wisely. Moreover it is admitted that an earlier occasion Sri S. A. Basha, S. Arshad Basha and Sriramamurthy were reinstated by the Management. In similar circumstances in the case of Sriramamurthy he was reappointed without back wages and given continuity of service for payment of terminal benefit by the Headquarters of the F.C.I. and in the case of S.A. Basha and S. Arshad Basha, the Management entered into a settlement on similar terms. Now in the instant case when the employee worked for 298 days and when he is having all the requisite qualification to be considered for regularisation as watchman being S.S.C. and also employment registered candidates, in the light of the Circular Ex. W7 the Management should have considered this person who is terminated without any notice for appointment against the direct recruitment of candidates sponsored by the respective Employment Exchanges. This is a mandatory provisions as per the amended F.C.I. Regulations. It is admitted that there was recruitment of candidates even under Ex. M2 as per the clarification of the circular where officials had been taken before 25-1-1976, without Employment Exchange channel such official should be interviwed along with the candidates sponsored through Employment Exchange and regularise with effect from the date of such employment and in case such interview had already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. Now subsequent to this clarification it is admitted that under Ex. M3 (marked in I. D. No 81/84) the reinstatement of S.A. Basha and S. Arshad Basha were done. The Management conceded that the petitioner should have been interviewed the candidates sponsored by the Employment Exchange channel when there are vacancies which are filled after 4-2-1976 and it is also conceded even by the clarification under Ex. M2 there should have been regularised with effect from such date of interview after 25-1-1976 provided appointed prior to 25-1-1976. In this case on 28-4-1976. According to the Management the said clarification under Ex. M2 and Ex. W6 will not apply to those persons who are appointed after 25-1-1976. When the persons are governed by the F.C.I. regulations are amended with reference to the persons who are appointed prior to 25-1-1976 and there is notification issued on 4-2-1976 and clarification was also given under Ex. M2 how these persons should be interviewed and appointed. It cannot be said that the said Exs. M2 and Ex. W6 had no prospective application to the candidates who were appointed subsequently. When the same is applicable retrospectively it automatically follows that the same is also applicable prospectively. Now the question of workmen completing more than 240 days of service in a calender year for being considered under provisions of the I.D. Act is not at all applicable to this case. The very Ex. W6 and Ex. M2 and the subsequently action of the Management with reference to the reinstatement of Sriramamurthy, S.A. Basha and S. Arshad Basha in the light of the notification dt. 4-2-1976 and the subsequent clarification Ex. M2 would show that the Management clearly violated the mandatory provisions of Section 25F of the said I.D. Act and the said termination is abinitio void. Moreover there is a clear evidence and admission that after this petitioner is terminated, the Management recruitment some persons through Employment Exchange. While so when the candidates were sponsored by the Employment Exchange were interviewed the petitioner was not called for the selection and the action of the termination of the service of the petitioner in not calling for interview along with them is contrary to the rules and Regulations of the F.C.I. It is not in dispute that some new persons were appointed on regular scales after those petitioners and others numbering about 100 were terminated. This is in violation of Section 25(H) of the I.D. Act and the contention of the Management that there was no necessity of continuing the post of Watchman is absolutely ill-founded and baseless. The evidence of W. W1 and M. W1 when read together would show that the termination is aimed only for denying the regular status of watchman to the Petitioner and that the termination is mala fide and colourable exercise of powers by the Management.

8. In fact the appointment of daily rated workmen was banned by the F.C.I. by circular dated 4-2-1976 and subsequently modified circular dated 20-12-1977 under Ex. M2 the employees were working on daily rated basis were all adhoc appointment provides under F.C.I. Regulation. The petitioner is also entitled for the scales from the date of his appointment i.e. 28-4-1976 till his services were terminated on adhoc basis. The argument of the Management is that Watchman were recruited at Open Storage Godowns and that the Open Storage Godowns system was abolished and therefore the service of casual labour were such as the petitioner were terminated due to closure of the Open Storage Godowns and transfer of entire stocks to permanent godowns is not at all borne out by record. There is no evidence that these petitioners and others like him were subsequently engaged for looking after the hired godowns. There was also no evidence to show that the so called hired godowns handed over back to the respective owners. Moreover when similarly placed daily rated watchman working at Sanathnager were given regular posts of Watchman in January 1985 from the date of their appointment including seniority and other benefits. I must hold that the said termination of this workman is in violation of Section 25F of the I.D. Act and that the said termination must be held to be illegal. Moreover, the petitioner is now over aged, he cannot be compelled to seek employment elsewhere and it is also elicited that he was not able to secure any employment and that he was working as hired labour and when there are admitted vacancies under the Control of Senior Regional Manager, Hyderabad must be held that the petitioner can be easily accommodated for the post of watchman and it is also admitted that there is expansion scheme and the F.C.I. is a progressing Corporation and it required lot of man power. Having regard to all these circumstances I hold that the termination of Sri D. Vonnur Saheb is illegal and he is directed to be reinstated forthwith without back wages but at the same time with continuity of service for the purpose of payment of terminal benefits as is done in the case of Sriramamurthy, S. Arshad Basha and S.A. Basha. I therefore hold that the Management of Food Corporation of India, Kurnool is not justified in terminating the service of Sri D. Vannur Saheb, Ex-Watchman with effect from 22-3-1977 and that further directed that he should be reinstated forthwith without back wages in the circumstances but with continuity of service for payment of terminal benefits. The petitioner also expressed his willingness to work at anywhere if posted in the entire Zone and the same will not cause any difficulty in way of administration for fixing them properly without inconvenience to any one.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 24th day of June, 1985.

INDUSTRIAL TRIBUNAL

Appendix of Evidence

Witnesses Examined for the Workman :

Witnesses Examined for the Management:

W. W1 D. Vannur Saheb

M. W1. I. V. Ramana Murthy

Documents marked for the Workman

Ex. W1—True copy of the appointment order dt. 28-4-76 issued by the District Manager, Food Corporation of India, Kurnool to D. Vannur Saheb.

Ex. W2—Photostat copy of the termination order dt. 22-4-77 issued by the District Manager, F.C.I. Kurnool to D. Vannur Saheb and others.

Ex. W3—Certificate dt. 27-4-77 issued by the Assistant Manager (Depot) Food Corporation of India, Thimmancherla (Guntakal) to D. Vannur Saheb.

Ex. W4—Failure of conciliation report U|S 12(4) of the I.D. Act 1947, between the Management of Food Corporation of India, Kurnool and their workman D. Vannur Saheb.

Ex. W5—Photostat copy of the statement showing the particulars of D. Vannur Saheb and others worked at Thimmancherla Depot.

Ex. W6—Photostat copy of the Notification dt. 4-2-76 issued by the Food Corporation of India, Head Office New Delhi with regard to Food Corporation of India Staff Regulations, 1976.

Documents marked for the Management

Ex. M1—True copy of the Statement showing the attendance particulars of D. Vannur Saheb.

INDUSTRIAL TRIBUNAL.

[No. L-42012(22)|84-D.V.]

Date : 28-6-85.

का. आ. 3735.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय खाद्य निगम, करनूल के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 जुलाई, 1985 को प्राप्त हुआ था।

S.O. 3735.—In purusuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Food Corporation of India, Kurnool (A.P.) and their workmen, which was received by the Central Government on the 9th July, 1985.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Sri J. Venugopala Rao, Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 88 OF 1984.

BETWEEN

The Workmen of Food Corporation of India, Kurnool

AND

The Management of Food Corporation of India, Kurnool.

APPEARANCES :

Sri B. Nagi Reddy, Advocate—for the Workmen.

Sri M. V. Bharathi, Advocate—for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012(19)|84-D.V. dated 21-11-1984 referred the followng dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 beween the workmen and the Management of Food Corporation of India, Kurnool, A.P. to this Tribunal for adjudication.

"Whether the management of Food Corporation of India, Kurnool is justified in terminating the services of Sri J. Sree Ramulu, Ex-Watchman with effect from 25-4-1977? If not, to what relief the workman is entitled ?"

This reference is registered as Industrial Dispute No. 88 of 1984 and notices were issued to the parties.

2. In the claims statement it is mentioned that the Petitioner-Workman Sri J. Sree Ramulu is appointed at Watchman on daily rated basis with effect from 3-3-1976 and that he was continuously working ever since his appointment being attached to Timmencherla. According to him all appointments in the Food Corporation of India have been made initially on daily rated basis in Andhra Pradesh Region even though there were clear vacancies and the F.C.I. Head Quarters issued circulars to the Regional Managers, Hyderabad to treat the period of service of daily rated employees as ad hoc appointment with effect from 8-1-1976. According to him even subsequent appointees also shall be given the benefit of scales. It is his case that the Respondent did not implement the direction of the Headquarters.

(a) While so, the Petitioners services were terminated with effect from 25-4-1977 without any reasonable cause or notice. The matter was taken up by the Union immediately and the matter was also finally raised before the Assistant Commissioner of Labour (Central) for conciliation but without any effect of reinstatement.

(b) It is his case that the termination of service is illegal and invalid and the same is in violation of the Industrial Disputes Act. It is also his case that the employees who were appointed later to the Petitioner were retained in service and thereby the Respondent contravened the provisions of Section 25-G of the I.D. Act. According to the Respondent also opened number of depots subsequent to the termination and when there are number of permanent vacancies who should have reinstated them. Since he is eligible to hold the post of Watchman and he had experience and necessary qualification prescribed. The petitioner should have been entitled for regular scale attached the workmen ever since he was appointed in view of the circular orders. Moreover in June, 1984 the Management entered into a settlement with the Union and granted regular appointed to all the daily rated staff. But for the illegal termination the Petitioners could have got all the benefits under the said settlement.

3. In the counter it is mentioned that the daily rated Watchmen have no service conditions than the principles of work and pay. The claimant-petitioner in this case was ex-watchman working at Open Storage Godown at Timmencherla and the services were terminated as the open Storage Godown system was abolished and the very nature of godown was to store the paddy for temporary period. It is mentioned that the service of casual labours such as the petitioner were terminated due to closure of Open Storage Godown and transfer to entire goods to permanent godowns. It is also pointed out as an economic measures the Management has to cut of the dead wood and streamline the administration.

According to him the facts of the case attract provisions of Section 25H-F of the I.D. Act, and the workmen is not entitled for reinstatement and his termination is justified. According to him the casual labour has no right for re-instatement or re-appointment even though he completes 240 days of continuance attendance a year within the meaning of Section 25-B of the I.D. Act. It is also mentioned that the circular is not an authority to reappointment and there is no guarantee of reappointment or fresh appointment in service are not applicable to him. It is also mentioned that he did not require notice of termination. He denied opening of new depots and vacancies being available. In the instant case the recruitment of Employment Exchange candidates was held on 31-3-1977 and termination was effected on 25-4-1977. All the claims of the workmen are not tenable.

4. On behalf of the workmen, the Petitioner himself is examined as W.W1 and marked Exs. W1 to W5. While the Respondent-Management examined M.W1 and marked Exs. M1.

5. W.W1 stated that he worked as Watchman at Timmencherla Depot from 3-3-1976 to 25-4-1977 and he was terminated on 25-4-1977 without any notice. According to him he is a daily rated watchman working on ad hoc basis at F.C.I., Timmencherla. He marked the certificate issued by the District Manager, F.C.I. to show the same as Ex. W1 and he also marked termination order given to him as Ex. W2. According to him he approached the authorities for conciliation to settle their dispute as per Ex. W3. He also marked the service particulars as given by the District Manager showing the statement of details of ex-watchmen who worked at Timmencherla Depot including himself as Ex. W4. According to him he should be considered for reinstatement as was done in the case of S. A. Basha, S. Arshad Basha and Sriramamurthy. The Food Corporation of India (Staff) Regulations, 1971 as amended on 4-2-1976 is marked as Ex. W5 and mentioned that there is provision for reinstatement. According to him Ex. W7 (marked in I.D. No. 81 of 1984) is a representation made by him for reinstatement to the Depot Superintendent, Timmencherla and that he is unemployed all these years and he also expressed himself to appoint him as a fresh candidate without insisting back wages to provide any watchman job by the Food Corporation of India.

6. The evidence of M.W1 who is the District Manager, F.C.I. Branch to the following effect. He deposed that due to heavy receipt of imported wheat in 1976 and to accommodate the said stock large units of private godowns were taken on hire. According to him to protect the said stocks he appointed watchman on daily rate basis depending upon the volume of stocks. He marked Ex. M1 to show that the Petitioner is appointed as daily rated watchman by filing his particulars of attendance and wages. According to him as per Ex. M2 which is dated 4-2-1976 (marked in I.D. No. 81/84) it was stated that where the officials were taken before 25-1-1976 without Employment Exchange channel such officials should be interviewed along with the candidates sponsored through Employment Exchanges and regularise with effect from the date of such a employment. In case such an interview has already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. He admitted that under Ex. M3 dated 26-2-1983 is one of the orders (marked in I.D. No. 81/84) by the Senior Regional Manager reinstating S. A. Basha and Arshad Basha. In the cross examination he admitted that the workman was in service for a total period of 383 days by the time he was terminated. According to him during that settlement they might have terminated 100 people who were temporarily working as Watchman and witness admitted after seeing Ex. W7 (marked in I.D. No. 100/84) that Sriramamurthy is reinstated as Watchman with the same terms and conditions on which he was working earlier and there was a Memorandum of Settlement dated 16-2-1983 with reference to S. Arshad Basha and S. A. Basha as per Exs. W8 and W9 (which are marked in I.D. No. 100/84). He conceded that the petitioner should have been interviewed alongwith candidates sponsored by the Employment Exchange channel vacancies which are filled after 4-2-1976. He also admitted that in view of the clarification he should have been regularised with effect from such date of interview after 25-1-1976 provided he is appointed prior to 25-1-1976. He denied that the termination of the petitioner on 25-4-1977 is illegal and invalid. He admitted that F.C.I. is now expanding and progressing Corporation and it required lot of man power.

7. The admitted facts are the petitioner worked as daily rated watchman at Timmencherla in the Food Corporation of India Godowns from 3-3-1976 to 25-4-1977 and it is elicited that in the evidence of M.W1 that he had put in a total period of 383 days in all by the time he was terminated. It is also conceded that as per Ex. W4 and also as per Ex. W2 and W1 read with the oral evidence that the petitioner had requisite qualification to be appointed as Watchman and that under Exs. W1 and W2 termination was done without notice. The order of appointment would show under Ex. W1 that he will be paid daily wages for the days of work as per the usual allowance. Failure conciliation report marked under Ex. W3 would show that the management though was directed to apply the circular namely Gazette Notification dated 4-2-1976. The Management mentioned that it is not possible to give effect for the said Circular. Now the circular dated 4-2-1976 mentioned that it was a Gazette Notification amending the Food Corporation of India (Staff) Regulations and it is mentioned that the said Regulation should have come into force on 27-1-1976 and the same should be added to the existing proviso of the F.C.I. Regulations namely "provided further that such of the employees who were recruited on daily rate basis for periods of less than 3 months or on purely temporary basis and whose services have been retained after allowing periodical breaks, shall also be eligible to be considered for appointment against direct recruitment along with candidates sponsored by the respective employment exchanges". It means that the Food Corporation of India, Head Office amended the regulations to consider these employees who were employed as daily rated for periods of less than three months or purely temporary basis and whose services have been retained after filing periodical breaks, shall be eligible for appointment against direct recruitment along with the candidates sponsored by the respective Employment Exchanges and the same is also brought to the notice of the Regional Manager, F.C.I. under Ex. W7. The Management did not act wisely. Moreover it is admitted that on an earlier occasion Sri S. A. Basha, S. Arshad Basha and Sriramurthy were reinstated by the Managensent. In similar circumstances in the case of Sriramurthy. He was reappointed without back wages and given continuity of service for payment of terminal benefit by the Head quarters of the F.C.I. and in the case of S. A. Basha and S. Arshad Basha, the Management entered into a settlement on similar terms. Now in the instant case when the employee worked for 383 days and when he is having all the requisite qualification to be considered for regularisation as Watchman being VII Class and also employment registered candidate, in the light of the Circular Ex. W7 the management should have considered this person who is terminated without any notice for appointment against the direct recruitment of candidates sponsored by the respective Employment Exchanges. This is a mandatory provisions as per the amended F.C.I. Regulations. It is admitted that there was recruitment of candidates even under Ex. M2 as per the clarification of the circular where officials had been taken before 25-1-1976 without Employment Exchange channel such official should be interviewed along with the candidates sponsored through Employment Exchange and regularise with effect from the date of such employment and in case such interview had already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. Now subsequent to this clarification it is admitted that under Ex. M3 (marked in I.D. No. 81/84) the reinstatement of S. A. Basha and S. Arshad Basha were done. The Management conceded that the petitioner should have been interviewed the candidates sponsored by the Employment Exchange channel when there are vacancies which are filled after 4-2-1976 and it is also conceded even by the clarification under Ex. M2 there should have been regularised with effect from such date of interview after 25-1-1976 provided appointed prior to 25-1-1976. In this case on 3-3-1976. According to the Management the said clarification under Ex. M2 and Ex. W5 will not apply to those persons was are appointed after 25-1-1976 when the persons are governed by the F.C.I. Regulations and Regulations are amended with reference to the persons who are appointed prior to 25th January, 1976 and there is notification issued on 4th February, 1976 and clarification was also given under Ex. M2 how these

persons should be interviewed and appointed. It cannot be said that the said Exs. M2 and Ex. W5 had no prospective application to the candidates who were appointed subsequently. When the same is applicable retrospectively it automatically follows that the same is also applicable prospectively. Now the question of workmen completing more than 240 days of service in a calendar year for being considered under the provisions of the I.D. Act, is not at all applicable to this case. The very Exs. W5 and M2 and the subsequent action of the Management with reference to the reinstatement of Sriramamurthy, S. A. Basha and S. Arshad Basha in the light of notification dated 4th February, 1976 and the subsequent clarification Ex. M2 would show that the Management clearly violated the mandatory privisions of Section 25F of the said I.D. Act and the said termination is ab initio void. Moreover there is clear evidence and admission that after this petitioner is terminated the Management recruited some persons through Employment Exchanges. While so when the candidates were sponsored by the Employment Exchanges were interviewed the petitioner was not called for the selection and the action of the termination of the service of the petitioner in not calling for interview along with them is contrary to the rules and Regulations of the F.C.I. It is not in dispute that some new persons were appointed on regular scales after these petitioners and others numbering about 100 were terminated. This is in violation of Section 25(H) of the I.D. Act and the contention of the Management that there was no necessity of continuing the post of watchman is absolutely ill-founded and baseless. The evidence of W.W.1 and M.W. 1 when read together would show that the termination is aimed only for denying the regular status of watchman to the Petitioner and that the termination is mala fide and colourable exercise of powers by the Management.

8. In fact the appointment of daily rated workman was banned by the F.C.I. by circular dated 4th February, 1976 and subsequently modified circular dated 20th December, 1977 under Ex. M2 the employees were working on daily rated basis were all ad hoc appointment provides under F.C.I. Regulation. The petitioner is also entitled for the scales from the date of his appointment i.e. 3rd March, 1976 till his services were terminated on ad hoc basis. The argument of the Management is that watchman were recruited at Open Storage Godown and that the Open Storage Godowns system was abolished and therefore the service of casual labour were such as the petitioners were terminated due to closure of the Open Storage Godowns and transfer of entire stocks to permanent godowns is not at all borne out by record. There is no evidence that these petitioners and others like him were subsequently engaged for looking after the hired godowns. There was also no evidence to show that the so called hired gidowns handed over back to the respective owners. Moreover when similarly placed daily rated watchman like Sriramamurthy, Arshad Basha and S. A. Basha were reinstated and when similarly placed daily rated watchman working at Sanathnagar were given regular posts of watchmen in January, 1985 from the date of their appointment including seniority and other benefits. I must hold that the said termination of this workman is in violation of Section 25F of the I.D. Act and that the said termination must be held to be illegal. Moreover the petitioner is now over-aged. He cannot be compelled to seek employment elsewhere and it is also elicited that he was not able to secure and employment and that he was working as hired labour and when there are admitted vacancies under the control of Senior Regional Manager, Hyderabad, must be held that the petitioner can be easily accommodated for the post of Watchman and it is also admitted that there is expansion scheme and the F.C.I. is a progressing Corporation and it required lot of man power. Having regard to all these circumstances I hold that the termination of Sri J. Sreeramulu is illegal and he is directed to be reinstated forthwith without back wages but at the same time with continuity of service for the purpose of payment of terminal benefits as is done in the case of Sriramamurthy, S. Arshad Basha and S. A. Basha. I therefore hold that the Management of Food Corporation of India, Kurnool is not justified in terminating the service fo Sri J. Sreeramulu, Ex-Watchman with effect from 25th April 1977 and that further directed that he should be reinstated forthwith without back wages in the given circumstances but with continuity of service for payment of terminal benefits. The petitioner also expressed his willingness to work at any where is posted in the entire Zone and the same will not cause any difficulty in way of administration for fixing them properly without inconvenience to any one.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 24th day of June, 1985.

Sd/-
Industrial Tribunal.

Appendix of Evidence

Witnesses Examined
for the Workmen :
W.W.1 J. Sreeramulu.

Witnesses Examined
for the Management :
M.W.1 I. V. Ramana Murty.

Documents marked for the Workman :

Ex. W1 True copy of the Office Order dated 3rd March, 1976 issued to J. Sreeramulu by the District Manager, Food Corporation of India, Kurnool.

Ex. W2 True copy of the termination order dated 27th April, 1977 issued to J. Sreeramulu by the District Manager, Food Corporation of India, Kurnool.

Ex. W3 Failure of Conciliation Report dated 9th April, 1984 between the Management of Food Corporation of India, Kurnool and their workmen under Section 12(4) of the I.D. Act, 1947.

Ex. W4 Photostat copy of the Statement showing the details of ex-workmen worked at Thimmancherla Depot.

Ex. W5 Photostat copy of the Notification dated 4th February, 1976 issued by the Joint Personnel Manager, the Food Corporation of India, Head Office New Delhi with regard to Staff Regulations, 1976.

Documents marked for the Management :

Ex. M1 Statement showing the service particulars of J. Sreeramulu, ex-daily rated watchman worked at Thimmancherla.

Sd/-
Industrial Tribunal.
[No. L-42012(19)/84-D.V.]

का. आ. 3736—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय खाद्य निगम, कुर्नूल के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9 जुलाई, 1985 को प्राप्त हुआ था।

S.O. 3736.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Food Corporation of India, Kurnool (A.P.) and their workmen, which was received by the Central Government on the 9th July, 1985.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD.

PRESENTS :

Sri I Venugopala Rao,—Industrial Tribunal.

Industrial Dispute No. 89 of 1984

BETWEEN

The Workmen of Food Corporation of India, Kurnool

AND

The Management of Food Corporation of India, Kurnool.

APPEARANCES :

Sri B. Nagi Reddy, Advocate—for the Workmen.

Sri M. V Bharathi, Advocate—for the Management

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012(20)|84-D.V. dated 21-11-1984 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act 1947 between the Workmen and the Management of Food Corporation of India, Kurnool, A.P. to this Tribunal for adjudication.

"Whether the Management of Food Corporation of India, Kurnool is justified in terminating the services of Shri N. Bashu, Ex-Watchman with effect from 25-4-1977. If not to what relief the workman is entitled ?"

This reference is registered as Industrial Dispute No. 89 of 1984 and notices were issued to the parties.

2. In the claims statement it is mentioned that the Petitioner-workman Sri N. Bashu is appointed as Watchman on daily rated basis with effect from 22-3-1976 and that he was continuously working ever since his appointment being attached to Timmencherla. According to him all appointments in the Food Corporation of India have been made initially on daily rated basis in Andhra Pradesh Region even though there were clear vacancies and the F.C.I. Head Quarters issued circulars to the Regional Managers, Hyderabad to treat the period of service of daily rated employees as ad hoc appointment with effect from 8-1-1976. According to him even subsequent appointees also shall be given the benefit of scales. It is his case that the Respondent did not implement the direction of the Head Quarters.

(a) While so, the Petitioners services were terminated with effect from 25-4-1977 without any reasonable cause or notice. The matter was taken up by the Union immediately and the matter was also finally raised before the Assistant Commissioner of Labour (Central) for conciliation but without any effect of reinstatement.

(b) It is his case that the termination of service is illegal and invalid and the same is in violation of the Industrial Dispute Act. It is also his case that the employees who were appointed later to the Petitioner were retained in service and thereby the Respondent contravened the provisions of Section 25-G of the I.D. Act. According to the Respondent also opened number of depots subsequent to the termination and when there are number of permanent vacancies who should have reinstated them. Since he is eligible to hold the post of Watchman and he had experience and necessary qualification prescribed The Petitioner should have been entitled for regular scale attached the workmen ever since he was appointed in view of the circular orders. Moreover in June 1984 the Management entered into a settlement with the Union and granted regular appoitment to all the daily rated staff. But for the illegal termination the Petitioners could have got all the benefits under the said settlement.

3. In the counter it is mentioned that the daily rated watchman have no service conditions that the principles of work and pay. The claimant-petitioner in this case was ex-watchman working at Open Storage Godown at Timmencherla and the services were terminated as the Open Storage Godown system was abolished and the very nature of godown was to store the paddy for temporary period. It is mentioned that the service of casual labours such as the petitioners were terminated due to closure of Open storage Godown and transfer of entire goods to permanent godowns. It is also pointed out as an economic measure the Management has to cut off the dead wood and streamline the administration. According to him the facts of the case attract provisions of section 25 FFF of the I.D. Act, and the workmen is not entitled for reinstatement and his termination is justified. According to him the casual labour has no right for reinstatement or re-appointment even though he completes 240 days of continuance attendance in a year within the meaning of Section 25-B of the I.D. Act. It is also mentioned that the circular is not an authority to re-appointment and there is no guarantee of re-appointment or fresh appointment in service are not applicable to him. It is also mentioned that he did not require notice of termination. He denied opening of new depots and vacancies being available. In the instant case the recruitment of Employment Exchange candidates was held on 31-3-1977 and termination was effected on 25-4-1977. All the claims of the workmen are not tenable.

4. On behalf of the Workmen, the petitioner himself is examined as W.W.1 and marked Exs. W1 to W6. While the Respondent-Management examined M.W.1 and marked Exs. M1.

5. W.W.1 stated that he worked as Watchman at Timmencherla Depot from 20-3-1976 to 25-4-1977 and he was terminated on 25-4-1977 without any notice. According to him he is a daily rated watchman working on ad hoc basis at F.C.I., Timmencherla. He marked Ex. W1 the certificate issued by the District Manager, F.C.I. to show the same and he also marked termination order given to him as Ex. W2. He marked service certificate as Ex. W3. According to him he approached the authorities for conciliation to settle their dispute as per Ex. W4. He also marked the service particulars as given by the District Manager showing the statement of details of ex-watchman who worked at Timmencherla Depot including himself as Ex. W5. According to him he should be considered for reinstatement as was done in the case of S. A. Basha, S. Arshad Basha and Sriramamurthy. The Food Corporation of India (Staff) Regulations 1971 as amended on 4-2-1976 is marked as Ex. W6 and mentioned that there is provision for reinstatement. According to him Ex. W7 (marked in I.D. No. 81 of 1984) is a representation made by him for reinstatement to the Depot Superintendent, Timmencherla and that he is un-employed all these years and he also expressed himself to appoint him as a fresh candidate without insisting back wages to provide any watchman job by the Food Corporation of India.

6. The evidence of M.W.1 who is the District Manager, F.C.I., Branch to the following effect. He deposed that due to heavy receipt of imported wheat in 1976 and to accommodate the said stock large units of private godowns were taken on hire. According to him to protect the said stocks he appointed Watchman on daily rated basis depending upon the volume of stocks. He marked Ex. M1 to show that the petitioner is appointed as daily rated watchman by filing his particulars of attendance and wages. According to him as per Ex. M2 which is dated 4-2-1976 (marked in I.D. No. 81/84) it was stated that where the officials were taken before 25-1-1976 without Employment Exchange channel such officials should be interviewed along with the candidates sponsored through Employment Exchanges and Regularise with effect from the date of such employment. In case such an interview has already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. He admitted that under Ex. M2 dated 26-2-1983 in one of the orders (marked in I.D. No. 81|84) by the Seenior Regional Manager reinstating S. A. Basha and Arshad Basha. In the cross examination he admitted that the workman was in service for a total period of 379 days by the time he was terminated. According to him during that settlement they might have terminated 100 people who were temporarily working as Watchmen and witness admitted after seeing Ex. W7 (marked in I.D. No. 100/84) that Sriramamurthy is reinstated as Watchman with the same terms and conditions on which he was working earlier and their was a Memorandum of Settlement dated 16-2-1983 with reference to S Arshad Basha and S.A. Basha as per Exs. W8 and W9 (which are marked

in I.D. No. 100/84). He conceded that the petitioner should have been interviewed along with candidates sponsored by the Employment Exchange channel vacancies which are filled after 4-2-1976. He also admitted that in view of the clarification he should have been regularised with effect from such date of interview after 25-1-1976 provided he is appointed prior to 25-1-1976. He denied that the termination of the petitioner on 25-4-1977 is illegal and invalid. He admitted that F.C.I. is now expending and progressing Corporation and it required lot of man power.

7. The admitted facts are the petitioner worked as daily rated watchman at Timmencherla in the Food Corporation of India Godowns from 20-3-1976 to 25-4-1977 and it is elicited that in the evidence of M.W.1 that he had put in a total period of 379 days in all by the time he was terminated. It is also conceded that as per Ex. W5 and as per Ex. W2 and W1 read with the oral evidence that the petitioner had requisite qualification to be appointed at Watchman and that under Exs. W1 and W2 termination was done without notice. The order of appointment would show under Ex. W1 that he will be paid daily wages for the days of work as per the usual allowance. Failure conciliation report marked under Ex. W4 would show that the management though was directed to apply the circular namely Gazette Notification dt. 4-2-1976 The Management mentioned that it is not possible to give effect for the said Circular. Now the circular dated 4-2-1976 mentioned that it was a Gazette Notification amending the Food Corporation of India (Staff) Regulations and it is mentioned that the said Regulation should have come into force on 27-1-1976 and the same should be added to the existing proviso of the F.C.I. Regulations namely "provided further that such of the employees who were recruited on daily rate basis for periods of less than 3 months or on purely temporary basis and whose services have been retained after allowing periodical breaks, shall also be eligible to be considered for appointment against direct recruitment along with candidates sponsored by the respective employment exchanges." It means that the Food Corporation of India, Head Office, amended the regulations to consider those employees who were employed as daily rated for periods of less than three months or purely temporary basis and whose services have been retained after filing periodical breaks, shall be eligible for appointment against direct recruitment along with the candidates sponsored by the respective Employment Exchanges, and the same is also brought to the notice of the Regional Manager, P.C.I. under Ex. W7. The Management did not act wisely. Moreover it is admitted that on an earlier occasion Sri S. A. Basha, S. Arshad Basha and Sriramamurthy were reinstated by the Management. In similar circumstances in the case of Sriramamurthy. He was reappointed without back wages and given continuity of service for payment of terminal benefit by the Headquarters of the F.C.I. and in the case of S. A. Basha and S. Arshad Basha, the Management entered into a settlement on similar terms. Now in the instant case when the employee worked for 379 days and when he is having all the requisite qualification to be considered for regularisation as Watchman being S.S.C. failed and also employment registered candidate., in the light of the Circular Ex. W7 the management should have considered this person who is terminated without any notice for appointment against the direct recruitment of candidates sponsored by the respective Employment Exchanges. This is a mandatory provisions as per the amended F.C.I. Regulations. It is admitted that there was recruitment of candidates even under Ex. M2 as per the clarification of the circular where officials had been taken before 25-1-1976 without Employment Exchange channel such official should be interviewed along with the candidates sponsored through Employment Exchange and regularise with effect from the date of such employment and in case such interview had already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. Now subsequent to this clarification it is admitted that under Ex. M3 (marked in I.D. No. 81/84) the reinstatement of S. A. Basha and S. Arshad Basha were done. The Management conceded that the petitioner should have been interviewed the candidates sponsored by the Employment Exchange channel when there are vacancies which are filled after 4-2-1976 and it is also conceded even by the clarification under Ex. M2 there should have been regularised with effect from such date of interview after 25-1-1976 provided appointed prior to 25-1-1976. In this case on 25-4-1977. According to the Management the said clarification under Ex. M2 and Ex. W6 will not apply to those persons who are appointed after 25-1-1976. When the persons are governed by the F.C.I. Regulations and Regulations are amended with reference to the persons who are appointed prior to 25-1-1976 and there is notification issued on 4-2-1976 and clarification was also given under Ex.M2 how those persons should be interviewed and appointed. It cannot be said that the said Exs. M2 and Ex. W6 had no prospective application to the candidates who were appointed subsequently. When the same is applicable retrospectively it automatically follows that the same is also applicable prospectively. Now the question of workmen completing more than 240 days of service in calender year for being considered under the provisions of the I.D. Act, is not at all applicable to this case. The very Exs. W6 and M2 and the subsequent action of the Management with reference to the reinstatement of Sriramamurthy, S. A. Basha and S. Ashad Basha in the light of notification dated 4-2-1976 and the subsequent clarification Ex. M2 would show that the Management clearly violated the mandatory provisions of Section 25F of the said I.D. Act and the said termination is ab initio void. Moreover there is clear evidence and admission that after this petitioner is terminated the Management recruited some persons through Employment Exchanges. While so when the candidates were sponsored by the Employment Exchanges were interviewed the petitioner was not called for the selection and the action of the termination of the service of the petitioner is not calling for interview along with them is contrary to the rules and Regulations of the F.C.I. It is not in dispute that some new persons were appointed on regular scales after these petitioners and others numbering about 100 were terminated. This is in violation of Section 25(H) of the I.D. Act and the contention of the Management that there was no necessity of continuing the post of watchman is absolutely ill-founded and baseless. The evidence of W.W.1 and M.W.1 when read together would show that the termination is aimed only for denying the regular status of watchman to the Petitioner and that the termination is malafide and colourable exercise of powers by the Management.

8. Infact the appointment of daily rated workman was banned by the F.C.I. by circular dated 4-2-1976 and subsequently modified circular dt. 20-12-1977 under Ex. M2 employees were working on daily rated basis were all adhoc appointment provides under F.C.I. Regulation. The petitioner is also entitled for the scales from the date of his appointment i.e., 20-3-1976 till his services were terminated on adhoc basis. The argument of the Management is that watchmen were recruited at Open Storage Godowns and that the Open Storage Godowns system was abolished and therefore the service of casual labour were such as the petitioner were terminated due to closure of the Open Storage Godowns and transfer of entire stocks to permenent godowns is not at all borne out by record. There is no evidence that these petitioners and others like him were subsequently engaged for looking after the hired godowns. There was also no evidance to show that the so called hired godowns handed over back to the respective owners. Moreover when similarly placed daily rated watchman like Srimamurthy, Arshad Basha and S. A. Basha were reinstated and when similerly placed daily rated watchman working at Sanathnagar were given regular posts of watchmen in January 1985 from the date of their appointment including seniority and other benefits. I must hold that the said termination of this workman is in violation of Section 25F of the I.D. Act and that the said termination must be held to be illegal. Moreover the petitioner is now over-aged, he cannot be compelled to seek employment elsewhere and it is also elicited that he was not able to secure any employment and that he was working as hired labour and when there are admitted vacancies under the control of Senior Regional Manager, Hyderabad, must be held that the petitioner can be easily accommodated for the post of watchman and it is also admitted that there is expension scheme and the F.C.I. is a progressing Corporation and it required lot of man power. Having regard to all these circumstances I hold that the termination of Sri N. Bashu is illegal and he is directed to be reinstated forthwith without back wages but at the same time with continuity of service for the purpose of payment of terminal benefits as is done in the case of

Sriramamurthy, S. Arshad Basha and S. A. Basha. I therefore hold that the Management of Food Corporation of India, Kurnool is not justified in terminating the services of Sri N. Bashu, Ex-Watchman with effect from 25-4-1977 and that further directed that he should be reinstated forthwith without back wages in the given circumstances but with continuity of service for payment of terminal benefits. The petitioner also expressed his willingness to work at anywhere if posted in the entire Zone and the same will not cause any difficulty in way of administration for fixing them properly without inconvenience to any one.

Award passed accordingly.

Dictated to the Stenographar, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal this the 22nd day of June, 1985.

INDUSTRIAL DISPUTS.

Appendix of evidence.

Witnesses examined;

For the workman.

1. W.W.1 N. Bashu.

For the Management

1. M. W. 1. I. V. Ramana Murthy

Documents marked for the workman:—

1. Ex. W1.—Photo stat copy of the appointment Order issued by the District Manager, Food Corporation of India, Kurnool to N. Bashu.
2. Ex. W2.—Termination order dt. 27-4-77 issued by the District Manager, Food Corporation of India Kurnool to N. Bashu.
3. Ex. W3.—Certificate dt. 27-4-77 issued by the Assistant Manager (Depot), Food Corporation of India Timmencherla to N. Bashu.
4. Ex. W4—Minutes of conciliation proceedings held on 23-3-84 u/s. 12(4) of I.D. Act. 1947 between the Management of Food Corporation of India and their Ex-Workman N. Bashu.
5. Ex. W5.—Photo Stat Copy of the Statement showing the details of N. Bashu and others worked at Thimmencherla Depot.
6. Ex. W6.—Photo Stat Copy of the notification dt. 4-2-76 issued by the Food Corporation of India, Head. Office New Delhi with regard to Food Corporation of India Staff Regulations 1976.

Documents marked for the Management :—

1. Ex. M1.—True copy of the statement showing the attendance particulars of N. Bashu.

Sd/-

INDUSTRIAL TRIBUNAL

[No. L-42012(20)/84-D.V.]

का. आ. 3737.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम, करनूल के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 जुलाई, 1985 को प्राप्त हुआ था ।

S.O. 3727.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India, Kurnool (A.P.) and their workmen, which was received by the Central Government on the 9th July, 1985.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Present:-

Sri J. Venugopala Rao, Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 87 OF 1984.

BETWEEN:

The Workman of Food Corporation of India, Kurnool (A P.)

AND

The Management of Food Corporation of India, Kurnool. (A.P.)

Appearances:

Sri B. Nagi Reddy, Advocate for the Workmen.

Sri M. V. Bharathi, Advocate for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012(17)/84-D.V. dated 21-11-1984 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Food Corporation of India, Kurnool, A. P. to this Tribunal for adjudication:

"Whether the management of Food Corporation of India, Kurnool is justified in terminating the services of Shri M. Basappa, Ex-Watchman with effect from 20-4-1977 ? If not, to what relief the workman is entitled ?"

This reference was registered as Industrial Dispute No. 87 of 1984 and notices were issued to the parties.

2. In the claims statement it is mentioned that the Petitioner workman M. Basappa is appointed as Watchman on daily rated basis with effect from 25-6-1976 and that he was continuously working ever since his appointment being attached to godowns of Timmencherla. According to him all appointment in the Food Corporation of India have been made initially on daily rated basis in Andhra Pradesh Region even though there were clear vacancies and the F.C.I. Head Quarters issued circulars to the Regional Managers, Hyderabad to treat the period of service of daily rated employees as ad hoc appointment with effect from 8-1-1976. According to him even subsequent appointees also shall be given the benefit of scales. It is his case that the Respondent did not implement the direction of the Headquarters.

(a) While so the Petitioners services were terminated with effect from 20-4-1977 without any reasonable cause or notice. The matter was taken up by the Union immediately and the matter was also finally raised before the Asstt. Commissioner of Labour (Central) for conciliation but without any effect of reinstatement.

(b) It is his case that the termination of service is illegal and invalid and the same is in violation of the Industrial Disputes Act. It is also his case that the employees who were appointed latter to the Petitioner were retained in service and thereby the Respondent contravened the provision of Section 25 G of the I.D. Act. According to the Respondent also opened number of depots subsequent to the termination and when there are number of permanent vacancies who should have reinstated them. Since he is eligible to hold the post of Watchman and he had experience and necessary qualification prescribed. The Petitioner should have been entitled for regular scale attached to the watchman ever since he was appointed in view of the circular orders Moreover in June 1984 the Management entered into a settlement with the Union and granted regular appointment to all the daily rated staff. But for the illegal termination the Petitioners could have got all the benefits under the said Settlement.

3. In the counter it is mentioned that the daily rated watchman have no service conditions than the principles of work and pay. The claimant petitioner in this case was ex-watchman, working Open Storage Godown at Timmencherla and the services were terminated at the Open Storage Godown system was abolished and the very nature of godown was to store the paddy for temporary period. It is mentioned that the service of casual of labourers such as the petitioner were terminated due to closure of Open Storage Godown and transfer of entire goods to permanent godowns. It is also pointed out as economic measure the Management has to cut off the dead wood and streamline the administration. According to him the facts of the case attract provisions of Section 25FFF of the I.D. Act, and the workmen is not entitled for reinstatement and his termination is justified. According to him the casual labour has no right for reinstatment or reappointment even though he completes 240 days of continuous attendance in a year within the meaning of Section 25-B of the I.D. Act. It is also mentioned that the circular is not an authority to reappointment and there is no guarantee of reappointment or fresh appointment in service are not Applicable to him. It is also mentioned that he did not require notice of termination. He denied opening of new depots and vacancies being available. In the instant case the recruitment of employment Exchange candidates was held on 31-3-1977 and termination was effected from 20-4-1977. All the claims of the workman are not tenable.

4. On behalf of the workman, the Petitioner himself is examined as W. W.1 and marked Exs. W1 to W6, while the Management examined M. W. 1 and marked Ex. M1.

5. W. W1 stated that he worked as Watchman at Timmencherla Depot from 25-6-76 to 20-4-1977 and he was terminated on 20-4-1977 without any notice. According to him he is a daily rated watchman working on ad hoc basis at F.C.I. Timmencherla. He marked the certificate issued by the District Manager, F.C.I. to show the same as Ex. W1, and he also marked termination order given to him as Ex. W2. According to him he approched the authorities for conciliation to settle their dispute as per Ex. W4. He marked service certificate as Ex. W3 and he also marked the service particulars as given by the District Manager showing the statement of details of ex-watchman who worked at Timmencherla Denot including himself at Ex. W5. According to him he should be considered for reinstatement as was done in the case of S. A. Basha, S. Arshad Basha and Sriramamurthy. The Food Corporation of India (Staff) Regulations 1971 as amended on 4-2-1975 is marked as Ex. W6 and mentioned that there is provision for reinstatement. According to him Exs. W7 and W8 marked in I.D. No. 81/84 are representations made by him for reinstatement to the Depot Superintendent, Timmencherla and that he is unemployed all these years and he also expressed himself to appoint him as a fresh candidate without insisting back wages to provide any watchman job by the F.C.I.

6. The evidence of M. W1 who is the District Manager, F.C.I. Branch is to the following effect. He deposed that due to heavy receint of imported wheat in 1976 and to accommodate the said stock large units of private godown were taken on hire. According to him protect the said stocks he appointed watchman on daily rate basis depending upon the velume of stocks. He marked Ex. M1 to show that the petitioner is appointed as daily rated watchman by filing his particulars of attendance and wages. According to him as per Ex. M2 which is dated 4-2-1976 (marked in I.D. No. 81/84) it was stated that where the officials were taken before 25-1-1976 without employment exchange channel such officials should be interviewed along with the candidatas sponsored through Employment Exchange and regularise with effect from the date of such employment. In case such an interview has already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. He admitted that under Ex. M3 dated 26-2-1983 is one of the orders (marked in I. D. No. 81/84) by the Senior Regional Manager reinstating S. Basha and Arshad Basha. In the cross examination he admitted that the workman was in service for a total period of 245 days by the time he was terminated. According to him during that settlement they might have terminated 100 people who were temporarily working as Watchman and witness admitted after seeing Ex. W7 marked in I. D. No. 100/84 that Sriramamurthy is reinstated as Watchman with the same terms and conditions on which he was working earlier and there was a Memorandum of settlement dated 16-2-1983 with reference to S. Arshad Basha and S. A. Basha as per Exs. W8 and W9 which were marked in I. D. No. 100/84. He conceded that the Petitioner should have interviewed candidates sponsored by the Employment Exchange channel vacancies which are filled after 4-2-1976. He also admitted that in view of the clarification he should have been regularised with effect from such date of interview after 25-1-1976 provided he is appointed prior to 25-1-1976. He denied that the termination of the Petitioner on 20-4-1977 is illegal and invalid. He admitted that F.C.I. is now expanding and progressing Corporation and it required lot of man power.

7. The admitted facts are the petitioner worked as daily rated watchman at Timmencherla of the Food Corporation of India godowns from 25-6-1975 to 20-4-1977 and it is elicited that in the evidence of MW1 that he had put in a total period of 245 days in all by the time he was terminated. It is also conceded that as per Ex. W5 and also as per Exs. W2 and W1 read with the oral evidence that the petitioner had requisite qualification to be appointed as Watchman and that under Exs. W1 and W2 termination was done without notice. The order of appointment would show under Ex. W1 that he will be paid daily wages for the days of work as per the usual allowance. Failure conciliation report marked under Ex. W4 would show that the Management though was directed to apply the circular namely Gazette Notification dated 4-2-1976. The Management mentioned that it is not possible to give effect for the said Circular. Now the circular dated 4-2-1976 mentioned that it was a Gazette Notification amending the Food Corporation of India (Staff) Regulations and it is mentioned that the said Regulations should have come into force on 27-1-1976 and the same should be added to the existing proviso of the F.C.I. Regulations namely "provided further that such of the employees who were recruited on daily rate basis for periods of less than 3 months or on purely temporary basis and whose services have been retained after allowing periodical breaks, shall also be eligible to be considered for appointment against direct recruitment along with candidates sponsored by the respective Employment Exchanges". It means that the Food Corporation of India, Head Office, amended the regulations to consider those employees who were employed as daily rated for periods of less than three months or purely temporary basis and whose services have been retained after filling periodical breaks shall be eligible for appointment against direct recruitment along with the candidates sponsored by the respective Employment Exchanges, and the same is also brought to the notice of the Regional Manager, F.C.I. under Ex. W7. The Management did not act wisely. Moreover it is admitted that on an earlier occasion Sri S. A. Basha, S. Arshad Basha and Sriramamurthy were reinstated by the Management. In similar circumstances in the case of Sriramamurthy. He was reappointed without back wages and given continuity of service for payment of terminal benefit by the Headquarters of the F.C.I. and in the case of S.A. Basha and S. Arshad Basha, the Management entered into a stttlement on similar terms. Now in the instant case when the employee worked for 245 days and when he is having all the requisite qualification to be considered for regularisation as Watchman being S.S.C. failed and also employment registered candidate, in the light of the Circular Ex. W7 the management should have considered this person who is terminated without any notice for appointment against the direct recruitment of candidates sponsored by the respective Employment Exchange. This is a mandatory provisions as per the amended F.C.I. Regulations. It is admitted that there was recruitment of candidates even under Ex. M2 as per the clarification of the circular where officials had been taken before 25-1-1976 without Employment Exchange channel such official should be interviewed along with the candidates sponsored through Employment Exchange and regularise with effect from the date of such employment and in case such interview had already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. Now subsequent to this clarification it is admitted that under Ex. M3

(marked in I. D. No. 81/84) the reinstatemtnt of S. A. Basha and S. Arshad Basha were done. The Management conceded that the Petitioner should have been interviewed the candidates sponsored by the Employment Exchange channel when there are vacancies which are filled after 4-2-1976 and it is also conceded even by the clarification under Ex. M-2 there should have been regularised with effect from such date of interview after 25-1-1976 provides appointed prior to 25-1-1976. In this case on 25-6-1976. According to the Management the said clarification under Ex. M-2 and Ex. W-6 will not apply to these persons who are appointed after 25-1-1976. When the persons are governed by the FCI Regulations and Regulations are amended with reference to the persons who are appointed prior to 25-1-1976 and there is notification issued on 4-2-1976 and clarification was also given under Ex. M-2 how those persons should be interviewed and appointed. It cannot be said that the said Ex. M-2 and Ex. W-6 had no prospective application to the candidates who were appointed subsequently. When the same is applicable retrospectively it automatically follows that the same is also applicable prospectively. Now the question of workmen completing more than 240 days of service in a calendar year for being considered under the revisions of the I. D. Act is not at all applicable to this case. The very Ex. W-6 and Ex. M-2 and the subsequent action of the Management with reference to the reinstatement of Sriramamurthy, S A. Basha and S. Arshad Basha in the light of the notification dated 4-2-1976 and the subsequent clarification Ex. M-2 would show that the Management clearly violated the mandatory provisions of Section 25F of the said I. D. Act and the said termination is abinitio void. Moreover there is clear evidence and admission that after the petitioner is terminated the Management recruited some persons through Employment Exchange. While so when the candidates were sponsored by the Employment Exchange were interview the Petitioner was not called for the selection and the action of the termination of the service of the petitioner in not calling for interview along with them is contrary to the rules and Regulations of the FCI. It is not in dispute that some new persons were appointed on regular scales after these petitioners and others numbering about 100 were terminated. This is in violation of Section 25(H) of the I. D. Act and the contention of the Management that there was no necessity of continuing the post of Watchman is absolutely ill-founded and baseless. The evidence of WW-1 and MW-1 when read together would show that the termination is aimed only for denying the regular status of watchman to the petitioner and that the termination is mal fide and colourable exercise of powers by the Management.

8. Infact the appointment of daily rated workmen was banned by the FCI by circular dated 4-2-1976 and subsequently modified circular dated 20-12-1977 under Ex. M-2 the employees were working on daily rated basis were all ad hoc appointment provides under FCI Regulation. The petitioner is also entitled for the scales from the date of his appointment i.e. 25-6-1976 till his services were terminated on ad hoc basis. The argument of the Management is that watchman were recruited at Open Storage Godowns and that the Open Storage Godowns system was abolished and therefore the service of casual labour were such as the petitioner were terminated due to closure of the Open Storage Godowns and transfer of entire stocks to permanent godowns is not at all borne out by record. There is no evidence that these petitioners and others like him were subsequently engaged for looking after the hired godowns. There was also no evidence to show that the so called hired godowns handed over back to the respective owners. Moreover when similarly placed daily rated watchmen like Sriramamurthy, Arshad Basha and S. A. Basha were reinstated and when similarly placed daily rated watchmen working at Sanathnagar were given regular posts of Watchmen in January 1985 from the date of their appointment including seniority and other benefits. I must hold that the said termination of this workman is in violation of Section 25F of the I. D Act and that the said termination must be held to be illegal. Moreover the petitioner is now overaged, he cannot be compelled to seek employment elsewhere and it is also elicited that he was not able to secure any employment and that he was working as hired labour and when there are admitted vacancies under the control of Senior Regional Manager, Hyderabad, must be held that the petitioner can be easily accommodated for the post of watchman and it is also admitted that there is expansion Scheme and the FCI is a progressing Corporation and it required lot of man power. Having regard to all these circumstances I hold that the termination of M. Basappa is illegal and he is directed to be reinstated forthwith without back wages but at the same time with continuity of service for the purpose of payment of terminal benefits as is done in the case of Sriramamurthy, S. Arshad and S. A. Basha. I therefore held that the Management of Food Corporation of India, Kurnool is not justified in terminating the services of Shri M. Basappa, Ex. Watchman with effect from 20-4-1977 and that further directed that he should be reinstated forthwith without back wages in the given circumstances but with continuity of service for payment of terminal benefits. The petitioner also expressed his willingness to work at any there if posted in the entire Zone and the same will not cause any difficulty in way of administration for fixing them properly without inconvenience to any one.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him corrected by me and given under my hand and the seal of this Tribunal, this the 21st day of June, 1985.

Sd/-
INDUSTRIAL TRIBUNAL

Appendix of Evidence

Witnesses examined :

For the Management :

For the Workman :

WW-1—M. Basappa. MW-1—I. V. Ramana Murthy

Documents marked for the Workman :

Ex. W-1—True copy of the appointment order dated 25-6-76 issued by the Assistant Manager (Depot) Food Corporation of India, Thimmancherla to M. Pasappa and 10 others.

Ex. W-2—True copy of the termination order dated 22-4-77 issued by the District Manager, Food Corporation of India, Kurnool to M. Basappa and 7 others.

Ex. W-3—Certificate dated 27-4-77 issued by the Assistant Manager (Depot) Food Corporation of India, Thimmancherla (Cuntakal) to M. Basappa.

Ex. W-4—Failure of conciliation report dated 9-4-76 between the Management of Food Corporation of India, Kurnol and their workman under Section 12(4) of the Industrial Disputes Act 1947.

Ex. W-5—Photostat copy of the Statement showing the details of ex-workmen worked at Thimmancherla Depot.

Ex. W-6—Photostat copy of the notification dated 4-2-76 issued by the Food Corporation of India, Head Office, New Delhi with regard to staff Regulations, 1971.

Documents marked for the Management :

Ex. M-1—True copy of the Statement showing the Service particulars of M. Basappa.

Sd/-
INDUSTRIAL TRIBUNAL

[No. L-42012(17)/84-D.V]

नई दिल्ली, 23 जुलाई, 1985

का.आ. 2738—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम करनूल के प्रबंधतंत्र से सम्बद्ध नियोजकों और कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11 जुलाई 1985 को प्राप्त हुआ था।

New Delhi, the 22nd July, 1985

S.O. 2738.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Kurnnol (A.P.) and their workmen which was received by the Central Government on the 11th July, 1985.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT:

Sri V. Venugopala Rao, Industrial Tribunal.
Industrial Dispute No. 100 of 1984

BETWEEN

The Workmen of Food Corporation of India, Kurnool.

AND

The Management of Food Corporation of India, Kurnool.

APPEARANCES:

Sri B. Nagi Reddy, Advocate—for the Workmen.

Sri M. V. Bharathi, Advocate—for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012(15)/84-D.V. dt. 20-11-1984 referred the following dispute under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 beween the workman and the Management of Food Corporation of India, Kurnool, A.P. to this Tribunal for adjudication.

"Whether the management of Food Corporation of India, Kurnool is justified in terminating the services of Shri U. Thimmappa, Ex-Watchman with effect from 23-4-77? If not to what relief the workmen is entitled?"

This reference is registered as Industrial Dispute No. 100 of 1984 and notice were issued to the parties.

2. In the claim statement it is mentioned that the petitioner-workman Sri U. Thimmappa, is appointed as Watchman on daily rated basis with effect from 26-4-76 and that he was continuously working ever since his appointment being attached to Timmencherla. According to him all appointments in the Food Corporation of India have been made initially on daily rated basis in Andhra Pradesh even though there were clear vacancies and the F.C.I., Head Quarters issued circulars to the Regional Managers, Hyderabad to treat the period of service of daily rated employees as adhoc appointment with effect from 8-1-1976. According to him even subsequent appointees also shall be given the benefit of scales. It is his case that the Respondent did not implement the direction of the Head quarters.

a) While so, the Petitioners services were terminated with effect from 23-4-1977 without any reasonable cause or notice. The matter was taken up by the Union immediately and the matter was also finally raised before the Asst. Commissioner of Labour (Central) for conciliation but without any effect of reinstatement.

b) It is his case that the termination of service is illegal and invalid and the same is in violation of the Industrial Disputes Act. It is also his case that the employees who were appointed latter to the Petitioner were retained in service and thereby the Respondent contravened the provisions of Section 25-G of the I.D. Act. According to the Respondent also opened number of depots subsequent to the termination and when there are number of permanent vacancies who should have reinstated them. Since he is eligible to hold the post of workman and he had experience and necessary qualification prescribed. The Petitioner should have been entitled for regular scale attached the watchman ever since he was appointed in view of the circular orders. Moreover in June 1984 the Management entered into a settlement with the Union and granted regular appointment to all the daily rated staff. But for the illegal termination the Petitioners could have got all the benefits under the said settlement.

3. In the counter it is mentioned that the daily rated watchman have no service conditions than the principles of work and pay. The claimant-petitioner in this case was ex-watchman working at Open Storage Godown at Timmencherla and the services were terminated at the Open Storage Godown system was abolished and the very nature of godown was to store the paddy for temporary period. It is mentioned that the service of casual labours such as the petitioner were terminated due to closure of open storage godown and transfer of entire goods to permanent godown. It is also pointed out as an economic measure the Management has to cut off the dead wood and streamline the administration. According to him the facts of the case attract provisions of Section 25FFF of I.D. Act and the workmen is not entitled for reinstatement and his termination is justified. According to him the casual labour has no right for reinstatement or reappointment even though he completes 240 days of continuous attendance in a year within the meaning of Section 25-B of the I.D. Act. It is also mentioned that the circular is not an authority to re-appointment and there is no guarantee of re-appointment or fresh appointment in service are not applicable to him. It is also mentioned that he did not require notice of termination. He denied opening of new depots and vanancies being available. In the instant case the recruitment of Employment Exchange candidates was held on 31-3-1977 and termination was effect from 23-4-1977. All the claims of the workman are not tenable.

4. On behalf of the workman, the Petitioner himself is examined as W. W.1 and marked Exs. W1 to W9. While the Management examined M. W.1 and marked Exs. M1.

5. W. W.1 stated that he worked as Watchman at Timmencherla Depot from 26-4-1976 to 23-4-1977 and he was terminated on 23-4-1977 without any notice. According to him he is a daily rated watchman warking on adhoc basis at F.C.I., Timmencherla. He marked the certificate issued by the District Manager, F.C.I. to show the as per Ex. W1 same and he also marked termination order given to him as Ex. W2. According to him he approached the authorities for conciliation to settle their dispute as per Ex. W4. He marked service certificate as Ex. W3 and he also marked the service particulars as given by the District Manager showing the statement of details of ex-watchmen who worked at Timmencherla. Depot including himself as Ex. W6. According to him he should be considered for reinstatement as was done in the case of S. A. Basha, S. Arahad Basha and Sriramamurthy. The Food Corporation of India (Staff) Regulations 1971 as amended on 4-2-1976 is marked as Ex. W6 and mentioned that there is provision for reinstatement. According to him Ex. W7 and W8 are representations made by him for reinstatement to the Depot Superintendent, Timmencherla and that he is un-employed all these years and he also expressed himself to appoint him as fresh candidate without insisting back wages to provide any watchman job by the F.C.I.

6. The evidence of M. W.1 who is the District Manager, F.C.I. Branch to the following effect. He deposed that due to heavy receipt of imported wheat in 1976 and to accommodate the said stock large units of private godowns were taken on hire. According to him to protect the said stocks he appointed Watchman on daily rate basis depending upon the volume of stocks. He marked Ex. M1 to show that the petitioner is appointed as daily rated watchman by filing his particulars of attendance and wages. According to him as per Ex. M2 which is dated 4-2-1976 (marked in I.D.No.81/84) it was stated that where the officials were taken before 25-1-1976 without employment exchange channel such officials should be interviewed along with the candidates sponsored through Employment Exchange and regularise with effect from the date

of such employment. In case such an interview has already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. He admitted that under Ex. M3 dated 26-2-1983 (marked in I.D. No. 81/84) in one of the orders by Senior Regional Manager reinstating S. A. Basha and Arshad Basha. In the cross examination he admitted that the workman was in service for a total period of 341 days by the time he was terminated. According to him during that settlement they might have terminated 100 people who were temporarily working as Watchman and witness admitted after seeing Ex. W7 that Sriramamurthy is reinstated as watchman with the same terms and conditions on which he was working earlier and there was a Memorandum of Settlement dt. 16-2-1983 with reference to S. Arshad Basha and S. A. Basha as per Exs. W8 and W9. He conceded that the Petitioner should have interviewed candidates sponsored by the Employment Exchange channel vancancies which are filled after 4-2-1976. He also admitted that in view of the clarification he should have been regularised with effect from such date of interview after 25-1-1976 provided he is appointed prior to 25-1-1976. He denied that the termination of the petitioner on 23-4-77 is illegal and invalid. He admitted that F.C.I. is now expanding and progressing Corporation and it required lot of man power.

7. The admitted facts are the petitioner worked as daily rated watchman at Ilmmencheria in the Food Corporation of India Godowns from 26-4-1976 to 23-4-1977 and it is elicited that in the evidence of M.W.1 that he had put in a total period of 341 days in all by the time he was terminated. It is also conceded that as per Ex. W5 and also as per Exs. W1 and W2 read with the oral evidence that the petitioner had requisite qualification to be appointed as watchman and that under Exs. W1 and W2 termination was done without notice. The order of appointment would show under Ex. W1 that he will be paid daily wages for the days of work as per the usual allowance. Failure conciliation report marked under Ex. W4 would show that the management though was directed to apply the circular namely Gazette Notification dt. 4-2-1976. The Management mentioned that it is not possible to give effect for the said Circular. Now the circular dated 4-2-1976 mentioned that it was a Gazette Notification amending the Food Corporation of India (Staff) Regulations and it is mentioned that the said Regulations should have come into force on 27-1-1976 and the same should be added to the existing proviso of the F.C.I. Regulations namely "provided further that such of the employee who were recruited on daily rate basis for period of less than 3 months or on purely temporary basis and whose services have been retained after allowing periodical breaks, shall also be eligible to be considered for appointment against direct recruitment along with candidates sponsored by the respective Employment Exchanges". It means that the Food Corporation of India, Head Office, amended the regulations to consider those employees who were employed as daily rated for periods of less than three months or purely temporary basis and whose services have been retained after filing periodical breaks, shall be eligible for appointment against direct recruitment along with the candidates sponsored by the respective Employment Exchanges and the same is also brought to the notice of the Regional Manager, F.C.I. under Ex W7. The Management did not act wisely. Moreover it is admitted that on an earlier occasion Sri S. A. Basha, S. Arshad Basha and Sriramamurthy were reinstated by the Management. In similar circumstances in the case of Sriramamurthy he was reappointed without back wages and given continuity of service for payment of terminal benefit by the Headquarters of the F.C.I. and in the case of S. A. Basha and S. Arshad Basha, the Management entered into a settlement on similar terms. Now in the instant case when the employee worked for (341) days and when he is having all the requisite qualification to be considered for regularisation as watchman being S.S.C. failed and also employment registered candidate, in the light of the Circular Ex. W7 the Management should have considered this person who is terminated without any notice for appointment against the direct recruitment of candidates sponsored by the respective Employment Exchanges. This is a mandatory provisions as per the amended F.C.I. Regulations. It is admitted that there was recruitment of candidates even under Ex. M2 as per the clarification of the circular where officials had been taken before 25-1-1976 without Employment Exchange channel such official should be interviewed along with the candidates sponsored through Employment Exchange and regularise with effect from the date of such employment and in case such interview had already been conducted after 25-1-1976 they may be regularised with effect from such date of interview. Now subsequent to this clarification it is admitted that under Ex. M3 (marked in I.D. No. 81/84) the reinstatement of S. A. Basha and S. Arshad Basha were done. The Management conceded that the petitioner should have been interviewed along with the candidates sponsored by the Employment Exchange channel when there are vacancies which are filled after 4-2-1976 and it is also conceded even by the clarification under Ex. M2 there should have been regularised with effect from such date of interview after 25-1-1976 provided appointed prior to 25-1-1976. In the case on according to the Management the said clarification under Ex. M2 and Ex. W6 will not apply to those person who are appointed after 25-1-1976. When the person are governed by the F.C.I. Regulations and Regulations are amended with reference to the persons who are appointed prior to 25-1-1976 and there is notification issued on 4-2-1976 and clarification was also given under Ex. M2 how those persons should be interviewed and appointed. It cannot be said that the said Exs. M2 and Ex. W6 had no prospective application to the candidates who were appointed subsequently. When the same is applicable retrospectively it automatically follows that the same is also applicable prospectively. Now the question of workman completing more than 240 days of service in a calendar year for being considered under the provisions of the I.D. Act is not at all applicable to this case. The very Ex. W6 and Ex. M2 and the subsequently action of the Management with reference to the reinstatement of Sriramamurthy, S. A. Basha and S Arshad Basha in the light of the notification dt. 4-2-1976 and the subsequent clarification Ex. M2 would show that the Management clearly violated the mandatory provisions of Section 25F of the said I.D. Act and the said termination is ab initio void. Moreover there is clear evidence and admission that after this petitioner is terminated, the Management recruited some persons through Employment Exchange. While so when the candidates were sponsored by the Employment Exchange were interviewed the petitioner was not called for the selection and the action of the termination of the service of the petitioner in not calling for interview along with them is contrary to the rules and Regulations of the F.C.I. It is not in dispute that some new persons were appointed on regular scales after these petitioners and other numbering about 100 were terminated. This is in violation of Section 25(H) of the I.D. Act and the contention of the Management that there was no necessity of continuing the post of Watchmen is absolutely ill-founded and baseless. The evidence of W.W.1 and M.W.1 when read together would show that the termination is aimed only for denying the regular status of watchman to the Petitioner and that the termination is mala fide and colourable exercise of powers by the Management.

8. In fact the appointment of daily rated workman was banned by the F.C.I. by circular dated 4-2-1976 and subsequently modified circular dated 20-12-1977 under Ex. M2 the employees were working on daily rated basis were all adhoc appointment provides under F.C.I. Regulation. The petitioner is also entitled for the scales from the date of his appointment i.e., 26-4-1976 till his services were terminated on adhoc basis. The argument of the Management is that Watchmen were recruited at Open Storage Godowns and that the Open Storage Godowns system was abolished and therefore the service of casual labour were such as the petitioner were terminated due to closure of the Open Storage godowns and transfer of entire stocks to permanent godowns is not at all borne out by record. There is no evidence that these petitioners and others like him were subsequently engaged for looking after the hired godowns. There was also no evidence to show that the so called hired godowns handed over back to the respective owners. Moreover when similarly placed daily rated watchmen like Sriramamurthy, Arshad Basha and S. A. Basha were reinstated and when similarly placed daily rated watchman working at Sanathnagar were given regular posts of watchmen in January, 1985 from the date of their appointment including seniority and other benefits, I must hold that the said termination of this workman is in violation of Section 25F of the I.D. Act and that the said termination must be held to be illegal. Moreover the petitioner is now over-aged, he cannot be compelled to seek employment elsewhere and it is also elicited that he was not able to secure any employment and that he was work-

ing as hired labour and when there are admitted vacancies under the control of Senior Regional Manager, Hyderabad must be held that the petitioner can be easily accommodated for the post of watchman and it is also admitted that there is expansion scheme and the F.C.I. is a progressing Corporation and it required lot of man power. Having regard to all these circumstances I hold that the termination of Sri U. Thimmappa is illegal and he is directed to be reinstated forthwith without back wages but at the same time with continuity of service for the purpose of payment of terminal benefits as is done in the case of Sriramamurthy, S. Arshad Basha and S. S. Basha. I therefore hold that the Management of Food Corporation of India, Kurnool is not justified in terminating the service of Sri U. Thimmappa Ex-Watchman with effect from 23-4-1977 and that further directed that he should be reinstated forthwith without back wages in the given circumstances but with continuity of service for payment of terminal benefits. The petitioner also expressed his willingness to work at anywhere if posted in the entire Zone and the same will not cause any difficulty in way of administration for fixing them properly without inconvenience to any one.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 22nd day of June, 1985.

Sd/-

INDUSTRIAL TRIBUNAL

Appendix of evidence

Witnesses examined for the workmen

1. W. W. 1 U. Thimmappa

For the Management,

1. M. W 1 I. V. Ramana Murthy.

Documents marked for the Management

1. Ex. W1.—Appointment order dt. 26-4-76 isued by the Distriot Manager, Food Corporation of India, Kurnool to U. Thimmappa.

2. Ex. W2.— True copy of the termination order dt. 22-4-77 issued by the Distiict Manager, Food Corporation of India, Kurnool to U. Thimmappa and others.

3. Ex. W3.—Ture copy of the certificate issued by the Assistant Manager, (Depot) Food Corporation of India, Thimmancherla (Guntakal) to U. Thimmappa.

4. Ex. W4.—Failure of conciliation report dt. 9-4-84 under Section 12(4) of the I. D. Act, 1947 between the Management of Food Corporation of India, Kurnool and their workman U. Thimmappa.

5. Ex. W5.—Photo Stat copy of the Statement showing the details of U. Thimmappa and other worked at Thimmancherla Depot.

6. Ex. W6.—Photo Stat copy of the notification dt. 4-2-76 issued by the Food Corporation of India, Head Office New Delhi with regard to Food Corporation of India Staff Regulations, 1976.

7. Ex. W7.—Photo Stat copy of the order No. L-42012(3)|82-FCI|D. IV. (A) issued by the Desk Officer, Government of India, Ministry of Labour, New Delhi with regard to re-instatement of C. Sriramamurthy.

8. Ex. W8.—Photo Stat copy of Memorandum of Settlement dt. 16-2-83 arrived at u|s 12(3) of I.D. Act, 1947 during the conciliation proceedings held in the office of the District Manager F.C.I. Kurnool in the Industrial Dispute between the Management of F.C.I. Kurnool and their Ex-Workman S. A. Basha.

9. Ex. W9.—Photo Stat copy of the Memorandum of settlement arrived at u|s. 12(3) of the I.D. Act, 1947 during the conciliation proceedings held on 16-2-83 in the Office of District Manager Food Corporation of India, Kurnool in the Industrial Dispute between the Management of Food Corporation of India, Kurnool and their Ex-Workman S. Arshad Basha.

Documents marked for the Management

Ex. M1—Statement showing the attendance particulars of U. Thimmappa.

Sd/-

INDUSTRIAL TRIBUNAL.

[No. L-42012(15)/84-D.V]

नई दिल्ली, 26 जुलाई 1985

का० आ० 3739—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम, पंजाब के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चन्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 जुलाई, 1985 को प्राप्त हुआ था।

New Delhi, the 26th July, 1985

S.O. 3739.—In pursuance of Section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab and their workmen, which was received by the Central Government on the 15th July, 1985.

BEFORE SHRI I. P. VASISTH, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CHANDIGARH.

Case No. I. D. 16|84

PARTIES :

Employers in relation to the Management of Food Corporation of India, Punjab Region, Chandigarh.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri Mangu Ram.
For the Workmen—Shri P. K. Singla.

ACTIVITY: Food Corporation of India STATE: Punjab

AWARD

Dated, the 10th of July, 1985

The Central Govt., Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, per their Order No. L-42011(32)|83-D.II(B)|D.IV(B)|D.V. dated the 18th of May, 1984 referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the action of the management of Food Corporation of India in refusing revision of wage rates to its casual workers and paying less than what is being paid to other workers in comparable concerns is justified? If not, to what relief are the concerned workmen entitled?"

2. The instant reference was consolidated and tried together with reference No. L-42012(7)|83-D.IV(B)|D.V. dated the 26th of October, 1984 (I.D. 36|1984) pertaining to a similar dispute between the same parties since they involved common questions of fact and law. A formal order to this effect was passed by me on 21-1-1985 on the recorded request of the parties; obviously to avoid any apprehension of conflict in findings, multiplicity of proceedings and undue financial strains to them.

3. The aforesaid reference has been answered today and hence for the reasons detailed therein, on turning down the petitioners' demand, I return my Award against them.

I. P. VASISTH, Presiding Officer,

[No. L-42011(32)/83-D.II(B)/D.IV(B)/D.V]

Chandigarh :
10-7-1985.

का. आ. 3740 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम, पंजाब के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चन्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16 जुलाई, 1985 को प्राप्त हुआ था।

S.O. 3740.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab, and their workmen, which was received by the Central Government on the 16th July, 1985.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, CHANDIGARH

Case No. I.D. 36|84

PARTIES :

Employers in relation to the Management of Food Corporation of India, Punjab Region Chandigarh.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri Mangu Ram.
For the Workmen.—Shri P. K. Singla.

ACTIVITY : Food Corporation of India.

STATE : Punjab

AWARD

Dated, the 10th of July, 1985

The Central Govt. Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act 1947, hereisafter referred to as the Act, per their Order No. L-42012(7)|83-D.IV(B)|D.V. dated the 26th of October, 1984 referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the denial by the management of FCI to pay the same wages to its casual watchmen as are being paid to its regular watchmen is legal and justified ? If not, to what relief are the casual watchmen of FCI entitled to and from what date ?"

2. Brief facts of the case, according to the petitioners, are that they were working under the respondent Corporation for its Sangrur Depot as Casual Watchmen since 1978-79 and were being paid a monthly wage of Rs. 393 which, itself was raised to this level in the recent past. It was avered that the petitioners were doing exactly the same job, both qualitywise as well as quantitywise, which was being done by the Regular watchmen who were getting a higher salary in the time scale of Rs. 210-290. They, therefore, protested against discrimination and raised a demand on the management of "equal pay for equal work". But the latter was found unresponsive despite the intervention of the A.L.C(C) at the Conciliation stage and hence the Reference.

3. Resisting the proceedings on all counts the management contended that the regular watchmen were drawing a certain pay scale as per F.C.I. Staff Regulation whereas no such pay scale had been prescribed for the Casual workers ; therefore, the latter were being paid as per approved rates in the concerned districts by their Deputy Commissioners.

4. Meanwhile the Central Govt. referred another similar dispute between the parties (No. 16 of 1984) containing the following terms, to this Tribunal per their Order No. L-42011(32)|83-D.II(B)|D.IV(B)|D.V. dated the 18th May, 1984 :—

"Whether the action of the management of Food Corporation of India in refusing revision of wage rates to its casual workers and paying less than what is being paid to other workers in comparable concerns is justified ? If not, to what relief are the concerned workmen entitled ?"

5. Since common questions of fact and law were involved in both these cases, therefore, to avoid any apprehension of conflict in findings, multiplicity of proceedings and undue financial strains to the parties, on their recorded request, per my order dated 21-1-1985, I consolidated them for a common trial and, as such, the instant Award shall hold valid for the aforesaid connected Reference also.

6. In support of their case the petitioners examined their General Secretary Shri P. K. Singla and filed certain documents whose authenticity was not disputed from other side. However, in its discretion the management preferred to contest the case on legal nicities alone.

7. On behalf of the workmen it was argued that the management's failure to adduce any evidence indicates an inherent weakness in its denial to treat them at par with the Regulars in the matter of payment of wages particularly when both the sets of workers were discharging similar duties at common sites.

8. Despite its seeming attraction the submission failed to carry conviction with me. Of course the management did not give any assistance to the Tribunal and adopted an evasive type of attitude ; but then even the petitioners did not care to produce any worthwhile data for a comparative study of the core qualifications professional skill, duties, responsibilities and job performance of the Casual and Regular watchmen. After all one may not loose sight of the fact that it was the petitioner's Union which had raised the issue of "Equal pay for equal work" and, therefore, it was for them to satisfy the Tribunal that there did exist sufficient justification for treating them at par with the staff working on

he regular Cadre strength. But barring a wild and vague type of deposition of their General Secretary Shri P. K. Singla there is not even an iota of evidence to infer that they had the same quality of professional skill or educational requirement which the incumbents of the regular cadre possessed. Similarly the petitioners did not examine any one from the field workers to throw light on the type of their duties and responsibilities or accountability.

9. There is no gain saying that the regular employees are engaged against the sanctioned posts in accordance to the Staff Regulation, whereas the casual-employees are engaged on make shift arrangement to meet the fluctuating load of business carried on by the Food Corporation ; and it can not possibly be disputed that bulk of the activity of the respondent Corporation is seasonal in nature. In keeps on increasing and decreasing with the harvesting season in volume of procurement, stocking and supply of the food grains.

10. Similarly there is nothing before the Tribunal on the basis of which it could be believed that any other Employer was paying higher renumerations to his similarly placed Casual workers so as to compel the respondent Corporation to revise the rates of wages now being paid to the petitioners. In the absence of all such relevant statistics the principle of "Equal pay for equal work" has no universal application. For my views I draw support from the ratio of C. Girijambal Vs. Govt of Andhra Pradesh, A.I.R. 1981 S.C. 1537.

11. On behalf of the petitioners' Tribunal's Award Ex. W2 and Ex. W3 dated 29-9-84 and 20-11-84 in I.D. No. 18|83 and 17|83 respectively were highlighted for the proposition that the Casual workers deserve to be treated at par with their regular counterparts for the purpose of payment of wages and fringe benefits.

12. I am afraid, the effort is misconceived because persual of the relevant Award would show that the dispute involved therein revolved around some Casual Workers' claim of seeking regularisation of their service which was opposed by the Management primarily on the ground that they were the volunteers of Punjab Home Guards and working under it on a sort of loan arrangement. Of course the Tribunal sustained the Workers' cause and repelled the Management's contention but the relevant Awards were set aside in C.W.P. No. 843 of 1985 by a Division Bench of the Punjab and Haryana High Court vide its judgement dated 8-5-1985 ; meaning thereby that the Awards exist no more in the eye of law.

13. It is besides the point that a mere direction of the Tribunal to the Management for taking appropriate steps to regularise the services of some of the Casual-watchmen could not "ipso-facto" confer a right on them to be treated at par with the regular employees ; moreover in the aforesaid Awards certain riders were imposed and the regularisation of services was conditional, but no evidence was led to show the compliance of those requirements.

14. No other point was raised before me and hence for the reasons recorded above I return my Award, in both the references, against the petitioner| workmen.

10-7-1985.
Chandigarh.

I. P. VASISHTH, Presiding Officer,
Central Government,
Industrial Tribunal,
Chandigarh.

[No. L-42012(7)|83-D.IV(B)|D.V.]
R. K. GUPTA, Desk Officer.

PRINTED BY THE MANAGER, GOVT. OF INDIA PRESS, RING ROAD, NEW DELHI-110064
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI-110054. 1985